

New South Wales



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 16, 1927.

An Act to amend the law as to the determination of capital values in certain cases; to enable the reappraisement of certain rentals; to enable holders of conditional purchase leases to convert their holdings into conditional purchases and conditional leases, and holders of homestead farms to convert their holdings into Crown leases in certain events; to enable conditional leases and certain other additional holdings to be transferred and held separately from the holding in virtue of which the additional holding was applied for; to amend and extend the law relating to the subdivision of holdings; to validate certain notifications relating

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relating to reserves from sale ; to amend the law with regard to the dealing with certain applications ; and for this and other purposes to amend the Crown Lands Consolidation Act, 1913, and certain other Acts ; and for purposes connected therewith. [Assented to, 17th February, 1927.]

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

Short title.

1. This Act may be cited as the "Crown Lands (Amendment) Act, 1927," and shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

That Act as so amended is in this Act referred to as the Principal Act.

Amendment
of Act No. 7,
1913.
Sec. 167.

2. (1) The Principal Act is amended—

(a) by omitting section one hundred and sixty-seven and the short heading preceding that section and by inserting in lieu thereof the following new short heading and section :—

Appraisement of capital value of conditional purchases, conditional leases, homestead selections, conditional purchase leases, homestead farms, suburban holdings, or Crown leases.

Appraise-
ment of
capital
values.

167. (1) Subject to this section, the holder of any conditional purchase (not being a mining conditional purchase), conditional lease, homestead selection, conditional purchase lease, homestead farm, suburban holding, or Crown lease may apply to have the capital value of such land determined under the provisions of section one hundred and sixty-six.

(2)

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(2) The application shall be made in the prescribed form and shall be accompanied by the prescribed declaration and fee.

(3) The application may be lodged at any time within five years after the confirmation or approval of the application for the holding.

Where the application for the holding was confirmed or approved five years or more prior to the commencement of the Crown Lands (Amendment) Act, 1927, the application shall be made within two years after such commencement.

(4) (a) Where an appraisalment of the capital value of a holding has been made under the provisions of this section no further application thereunder to have the capital value of the holding determined shall be entertained, notwithstanding that the tenure of the holding appraised has been converted into some other form of tenure.

(b) When an appraisalment of the capital value of any holding upon an application lodged has been made under any repealed enactment within two years before the commencement of the Crown Lands (Amendment) Act, 1927, no application under this section shall be entertained, notwithstanding that the tenure of the holding appraised has been converted into some other form of tenure.

(5) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the local land board upon payment of the actual costs incurred in dealing with the application.

(6) An application shall include all lands of the tenures referred to in subsection one of this section then held by the applicant separately

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separately and in his own right in respect of which he is then entitled to apply for appraisal under this section.

(7) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any land held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

(8) The capital value of the land comprised in an application under this section shall be determined as at the date of such application, and on the same basis as that provided for fixing the capital value in the first instance.

If no basis is provided, the capital value shall be determined irrespective of improvements, but where the holding was applied for after the first day of January, one thousand nine hundred and eighteen, subject to the provisions of section one hundred and sixty-two.

(9) Subject to this section, the capital value of a holding other than a suburban holding determined upon an application under this section shall be the capital value at which during the then current period of the holding it may be converted in accordance with the provisions of this Act into any other form of tenure.

(10) Nothing in this section shall affect the provisions of subsections four and (5A) of section one hundred and eighty-three or
of

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of subsection (1A) of section one hundred and eighty-six, or any provision of the Returned Soldiers Settlement Act, 1916.

(11) The determination of the capital value shall take effect from the date of application under this section.

Where an annual rent is based upon a percentage of the capital value the rent payable at the date of such application shall continue to be the rent until the date when rent is next payable after the date of such application.

This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

(12) No sums which have been appropriated to interest shall be applied towards reduction of balance of purchase money owing at the date of application for determination of the capital value of a conditional purchase, or be refunded or set off against any instalments payable after such date.

(13) Where the total amount which has been appropriated to purchase money in respect of a conditional purchase exceeds the value so determined no refund shall be made.

- (b) by omitting section one hundred and six and the short heading preceding that section; Sec. 106
- (c) by omitting section one hundred and twenty and the short heading preceding that section; Sec. 120.
- (d) by omitting from section one hundred and twenty-seven the proviso inserted by the Crown Lands (Amendment) Act, 1916, and subsequently amended by the Crown Lands (Amendment) Act, 1917; Sec. 127.

(e)

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Sec. 132.

- (e) by omitting section one hundred and thirty-two and the short heading preceding that section.

(2) Where at the commencement of this Act any proceedings are pending for the determination of the capital value of a holding, the proceedings shall be continued under the provisions of the Principal Act in force at such commencement.

Amendment
of Act No. 7,
1913.

New s. 167A.

3. The Principal Act is amended—

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

Appraisement of rents of homestead selections, homestead farms, suburban holdings, conditional purchase leases, conditional leases, settlement leases, Crown leases, and special leases.

Appraise-
ment of rents.

167A. (1) The holder of any homestead selection, homestead farm, suburban holding, conditional purchase lease, conditional lease, settlement lease, Crown lease, or special lease may, if he considers the rent to be excessive, apply to have the annual rent determined by the local land board.

(2) The application in the prescribed form shall be accompanied by the prescribed fee, and shall be made within five years after the confirmation or approval of the application for the holding, but in respect of lands held at the date of commencement of the Crown Lands (Amendment) Act, 1927, shall be made within two years from such commencement.

(3) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any lands held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

(4)

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(4) The local land board shall determine the fair annual rent of the holding, notwithstanding any provision contained in this Act or in any homestead grant or perpetual lease grant or lease that the rent shall be calculated on a percentage of the capital value of the holding.

(5) The amount so determined shall from the date when rent is next payable after the date of application for determination be deemed to be the annual rent of the holding until the termination of the period then current, or, if the unexpired portion of the period then current does not exceed five years, then in the case of a homestead selection, homestead farm, suburban holding, conditional lease, settlement lease, or Crown lease until the termination of the period next succeeding, and, in the case of a conditional purchase lease, until the termination of the lease.

In any case where the board determines the annual rent in pursuance of an application made under this section, the rent for each succeeding period, if not already determined with the unexpired portion of the preceding period, shall be determined by the local land board.

- (b) by inserting in paragraph (a) of subsection two of section ninety-three after the word "which" the words "subject to the provisions of section 167A"; Sec. 93 (2).
- (c) by omitting from subsection four of section one hundred and eighty-three the words "upon which the rent of the homestead selection or grant was payable at the date of the application for such conversion" and by inserting in lieu thereof the words "of the homestead selection or grant at the date of the application for conversion"; Sec. 183 (4).

(d)

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Sec 183 (5A).

(d) by omitting from subsection (5A) of section one hundred and eighty-three the words "upon which the rent of the homestead farm was payable at the date of the application for such conversion" and by inserting in lieu thereof the words "of the homestead farm at the date of the application for conversion";

ec. 194(6).

(e) by omitting from paragraph (e) of subsection six of section one hundred and ninety-four the words "upon which the rent thereof was payable" and by inserting in lieu thereof the words "for the period current."

Amendment of
Act No. 7, 1913.
Sec. 109.
(C.P.L.)

4. (1) The Principal Act is amended—

(a) by omitting section one hundred and nine and the short heading preceding that section and by inserting in lieu thereof the following new short heading and section:—

Conversion of conditional purchase leases into conditional purchases and conditional leases.

Conditional
purchase
leases.

Conversion
into
conditional
urchases and
onditional
eases.

109. (1) Upon application as prescribed the holder or the owner (subject to mortgage) of a conditional purchase lease which is not liable to forfeiture may convert such lease into—

- (a) a conditional purchase;
- (b) a conditional purchase and conditional lease, but so that the area of the conditional lease shall not exceed three times the area of the conditional purchase.

(2) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be converted into a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land.

(3) The cost of any necessary survey and any balance of the said deposit shall be paid by the applicant within one month after
he

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he has been called upon to do so, and upon default the application may be declared to have lapsed and any moneys paid therewith shall thereupon become forfeited :

Provided that at the request of the applicant survey may be deferred pending the conversion into an additional conditional purchase of land comprised in any conditional lease granted in pursuance of a conversion under this section.

(4) In an application for conversion in respect of a conditional purchase lease which is subject to mortgage the mortgagee shall join.

(5) The expression "conditional purchase lease" in this section means and includes an original conditional purchase lease and any additional conditional purchase lease held in virtue thereof.

(6) A conversion under this section shall not take effect until confirmed by the local land board.

(7) Upon conversion of a conditional purchase lease into a conditional purchase and conditional lease as aforesaid any such conditional purchase and conditional lease shall be subject to any special conditions which attached to the conditional purchase lease, to the general provisions of this Act respectively relating to conditional purchases and conditional leases, and to the following provisions :—

(a) any such conditional lease shall terminate at the expiration of forty years from the date of commencement of the original conditional purchase lease ;

(b) the rent payable in respect of any such conditional lease shall until the expiration of the first fifteen-year period thereof or the sooner termination of the lease be at the same rate per acre as was payable in respect of the conditional purchase lease, and thereafter

until

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until the expiration of the second fifteen-year period thereof or the sooner termination of the lease shall be as determined by the local land board, and the rent for the third and final period of ten years or portion, if any, thereof shall be determined in the like manner.

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

- (b) by omitting from section one hundred and ten the words "The capital value for the period of the lease current at the date of the application for conversion shall be the purchase money payable in respect of the land" and by inserting in lieu thereof the words "Upon conversion of a conditional purchase lease into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase or the price at which land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the conditional purchase lease for the period of the lease current at the date of the application for conversion."

Sec. 61.
(A.C.P.L.)

- (c) (i) by inserting in section sixty-one after the words "and to additional conditional purchase" the words "or conditional lease";
(ii) by inserting in the same section after the words "conversion of" the words "the whole or part of";

Sec. 113 (1).
(Additional
holdings.)

- (d) (i) by inserting in subsection one of section one hundred and thirteen after the words "being a conversion of" the words "the whole or part of";

Ibid.

- (ii) by inserting in the same subsection after the words "or an additional conditional purchase" wherever occurring the words "or conditional lease";
(iii) by inserting in the same subsection after the words "or conditional purchase" the words "or conditional lease";

(iv)

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- (iv) by inserting in subsection three of the same section after the words "being a conversion of" the words "the whole or part of"; Sec. 113 (3).
- (v) by inserting in the same subsection after the words "additional conditional purchase" wherever occurring the words "or conditional lease"; *Ibid.*
- (vi) by omitting subsection four of the same section; Sec. 113 (4).
- (vii) by inserting in subsection five of the same section after the words "or conditional purchase" wherever occurring the words "or conditional lease"; Sec. 113 (5).
- (viii) by inserting in the same subsection after the words "or an additional conditional purchase" the words "or conditional lease";
- (ix) by inserting in the same subsection after the words "or additional conditional purchase" wherever occurring the words "or conditional lease";
- (x) by omitting from subsection six of the same section the words "being conversions and" and by inserting in lieu thereof the words "and conditional leases being conversions of"; and also by omitting the words "or additional conditional purchase" and by inserting in lieu thereof the words "additional conditional purchase or conditional lease." Sec. 113 (6).

(2) The Principal Act is further amended by inserting next after section one hundred and twenty-three the following new short heading and section:— New s. 123A.
(Homestead farm.)

Conversion of homestead farm into Crown lease.

123A. (1) On application as prescribed the holder of a homestead farm applied for before the passing of the Crown Lands (Amendment) Act, 1927, may, with the approval of the Minister, convert the homestead farm into a Crown lease. Right of conversion.

(2)

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(2) Conversion shall not be allowed except where the local land board after due inquiry certifies that the best practicable use of the land is for grazing, and that the area held by the applicant does not substantially exceed a home maintenance area.

(3) The Crown lease shall be subject to the general provisions of this Act relating to Crown leases, to any special conditions which attached to the homestead farm, and to such further special conditions as the Minister, on the recommendation of the local land board, may impose.

(4) The Crown lease shall terminate at the expiration of forty-five years from the date of the commencement of the title to the homestead farm, and shall, for the purpose of the division of the lease into periods, be deemed to have commenced at that date.

(5) Upon the conversion of any homestead farm under this section, unless the local land board upon reference by the Minister before the conversion is approved recommends that a higher rental shall be paid, the rent, as from the date of the application for conversion, for the remainder of the then current period shall be at the rate of one and one quarter per centum of the capital value, and for subsequent periods at such rate as may be determined by the local land board.

Amendment
of Act No. 7,
913.
cc. 114 (2)
(f).

5. The Principal Act is further amended by adding at the end of paragraph (f) of subsection two of section one hundred and fourteen the following words:—"This paragraph shall not apply where the special lease was granted before the twenty-third day of December, one thousand nine hundred and twenty-four."

Further
amendment
of Act No. 7,
1913, ss. 260,
57, and 307.
(Conditional
leases.)

6. The Principal Act is further amended—

(a) by omitting paragraph five of section two hundred and sixty and all words of that section, following that paragraph, and by inserting the following new paragraph:—

(5) An additional conditional purchase or a conditional lease shall not be transferred separately from the holding by virtue

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virtue of which it was applied for until after the issue of the certificate that all the conditions attaching to that holding except that of the payment of the balance of the purchase money have been duly complied with.

- (b) by omitting paragraph (bA) of subsection one of section fifty-seven and by inserting in lieu thereof the following new subsection:—

(bA) Where a conditional lease or part thereof has been transferred or is held separately from the holding in virtue of which it was applied for the holder of the conditional lease may convert the whole or part of the land comprised in such conditional lease into a conditional purchase.

- (c) by omitting paragraph (dA) of subsection one of section three hundred and seven and by inserting in lieu thereof the following new paragraph:—

(dA) Where a conditional lease or part thereof has been transferred or is held separately from the holding in virtue of which it was applied for the holder of the conditional lease may convert the whole or part of the land comprised in such conditional lease into a conditional purchase.

7. The Principal Act is further amended—

- (a) by omitting from section two hundred and sixty-two the words “an original and additional homestead selection—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately”;

Further amendment of Act No. 7, 1913, ss. 262, 263, and 264. (H.S., S.L., and C.P.L.)

- (b) by omitting subsection three of section two hundred and sixty-three;

- (c) by omitting from section two hundred and sixty-four the words “original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase

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purchase leases) of the same series—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately.”

Further
amendment
of Act No. 7,
1913, ss. 257,
258.
(Subdivision.)

8. The Principal Act is further amended—

- (a) (i) by inserting in section two hundred and fifty-seven after the words “homestead selection” where firstly and secondly occurring the words “homestead farm, Crown lease, conditional lease”;
- (ii) by omitting from the same section the words “and in the case of a homestead selection the homestead grant, if any, shall be surrendered and a separate homestead grant issued for each portion”;
- (iii) by inserting in the same section before the words “settlement lease” where thirdly occurring the words “Crown lease, conditional lease”;
- (iv) by omitting from the same section the words “grants and”;
- (v) by inserting at the end of the same section after the words “may approve” the following words:—

“In the case of a subdivision of a homestead grant or a perpetual lease grant the consent of the Minister 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.

Where the consent is registered 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.

A certificate of title issued for portion of a homestead grant shall expressly refer to the grant; to section ninety-three of this

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this Act and also to section two hundred and seventy-two of this Act if that section affected the grant—and a certificate of title for portion of a perpetual lease grant shall expressly refer to the grant and to section two hundred and seventy-four of this Act.

A certificate of title issued by virtue of this section shall be subject to the conditions of the grant and to the provisions of the sections of this Act which are referred to in the certificate and to the provisions of this Act to which the grant would have been subject had the subdivision not been effected."

- (b) by inserting in section two hundred and fifty-Sec. 258.
eight after the words "homestead selection"
wherever occurring the words "homestead
farm, Crown lease, conditional lease";
- (c) (i) by inserting in subsection four of section Sec. 265.
two hundred and sixty-five after the words
"transfers by way of mortgage but" the
words "subject to this section";
- (ii) by inserting in the same subsection after
the words "shall be valid for any purpose
whatsoever" the words :—

"Where the consent of the Minister to the subdivision of a grant has been registered the restrictions set out in subsections two and three of this section shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

Such consent 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."

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Further amend-
ment of
Act No. 7, 1913.
(Administrative
and Miscel-
laneous.)

9. The Principal Act is further amended—

- (a) by omitting, except from section two, the words "the Land Appeal Court" wherever occurring and by inserting in lieu thereof the words "the Land and Valuation Court";
- Sec. 5. (b) by omitting from the definition of Crown-lease in section five the words "within an area set apart for that kind of holding";
- Sec. 13. (c) (i) by inserting in section thirteen after the words "local land board" wherever occurring the words "or chairman";
- (ii) by inserting in the same section after the words "such board's" the words "or chairman's";
- Sec. 15. (d) by inserting at the end of section fifteen the following new paragraph:—
- The chairman while acting in pursuance of the provisions of this section shall have all the powers of a local land board.
- Sec. 16 (2). (e) by omitting from subsection two of section sixteen the words "with the chairman" wherever occurring and by inserting in lieu thereof the words "with the district surveyor";
- Sec. 17. (f) (i) by inserting in section seventeen after the words "local land board" wherever occurring the words "or chairman";
- (ii) by inserting in subsection two of the same section before the words "may deem necessary" the words "or he";
- Sec. 19. (g) (i) by omitting from section nineteen the word "chairman" wherever occurring and by inserting in lieu thereof the words "district surveyor";
- (ii) by inserting in the same section after the words "local land board" wherever occurring the words "or chairman";
- Sec. 20. (h) (i) by inserting in section twenty after the words "local land board" wherever occurring the words "or chairman";
- (ii) by inserting in the same section before the words "duty according to law" the words "or his";
- (i)

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- (i) by inserting in section twenty-two after the words "local land board" the words "or chairman"; Sec. 22.
- (j) by omitting from subsection three of section twenty-three the words "three months" and by inserting in lieu thereof the words "one month"; Sec. 23(3).
- (k) (i) by inserting in subsection two of section thirty-seven after the words "valid in law" the words "and shall take effect from the date of such publication or from a later date to be specified in the regulations"; Sec. 37
 (ii) by inserting in the same subsection after the word "fourteen" wherever occurring the word "sitting";
 (iii) by adding at the end of the same section the words "If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect";
- (l) by omitting from section forty-five the words "Upon receipt from the Crown land agent of any application for a conditional purchase or a conditional lease the chairman of the local land board may refer the same to the district surveyor" and by inserting in lieu thereof the words "Upon receipt by the Crown land agent of any application for a conditional purchase or conditional lease he shall refer the same to the district surveyor"; Sec. 45.
- (m) by inserting in subsection one of section fifty-seven after the words and figures "Forestry Act, 1909" the words and figures "the Forestry Act, 1916, or any Act amending or replacing the same"; Sec. 57 (1)
- (n) by inserting in subsection two of section fifty-nine after the words "which are within" the words "the boundaries of cities towns or villages or within"; Sec. 59 (2)

(o)

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- Sec. 74. (o) (i) by inserting in section seventy-four after the words "floating docks" the words "or for any purpose declared by the Minister by notification published in the Gazette to be a purpose under this section";
- (ii) by inserting in the same section after the words "or floating dock" the words "or for any other purpose";
- Sec. 77. (p) by omitting from paragraph six of section seventy-seven the word "grant" and by inserting in lieu thereof the word "selection";
- Sec. 82. (q) by omitting from paragraph five of section eighty-two the word "grant" and by inserting in lieu thereof the word "selection";
- Sec. 85 (4). (r) by inserting in subsection four of section eighty-five after the words and figures "the Forestry Act, 1909" the words and figures "or the Forestry Act, 1916, or any Act amending or replacing the same Acts";
- Sec. 118A (4). (s) by omitting the proviso to subsection four of section 118A and inserting in lieu thereof the words "Provided that all moneys due to the Crown at the date of such issue have been paid and that the local land board shall have previously issued its certificate that all conditions attaching to the additional homestead farm (other than payment of such moneys) have been duly complied with";
- Sec. 123 (2). (t) by inserting in subsection two of section one hundred and twenty-three—
- (i) after the words "all the conditions" the words "other than payment of moneys due to the Crown";
- (ii) after the words "the Governor" the words "upon payment of all such moneys";
- Sec. 128. (u) (i) by inserting in subsection two of section one hundred and twenty-eight after the words "all conditions" the words "other than payment of moneys due to the Crown";
- (ii)

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- (ii) by inserting in subsection two of the same section after the words "the Governor" the words "upon payment of all such moneys";
- (iii) by inserting in section one hundred and twenty-eight the following new subsection:—

(3) The grant for an additional suburban holding may, upon application by the holder thereof, be issued at any time after the issue of the grant for the original suburban holding, notwithstanding that five years may not have elapsed after the granting of the application for the additional suburban holding:

Provided that all moneys due to the Crown at the date of such issue have been paid, and that the local land board shall have previously issued its certificate that all conditions attaching to the additional suburban holding (other than payment of such moneys) have been duly fulfilled.

- (v) by inserting at the end of paragraph (k) of section 129B the following words: "but shall not apply to the subdivision of a grant where the Minister so certifies in the prescribed form."

Upon the issue of such certificate any subdivided parts of the holding may be transferred or otherwise dealt with without recourse to this subsection";

- (w) by omitting from subsection one of section one hundred and fifty-two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";

- (x) (i) by inserting in section 161A after the words "classified area" the words "or within an area set apart as a special area in pursuance of section fifty-nine";

- (ii) by inserting in the short heading preceding the same section after the word "classified" the words "or special";

(y)

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Sec. 190 (1). (y) by inserting in subsection one of section one hundred and ninety before the word "into" the words "or any two or more of such holdings if adjoining";

Sec. 193. (z) (i) by inserting at the end of section one hundred and ninety-three the following new subsection:—

(4) The provisions of section one hundred and fifty-four shall, mutatis mutandis, apply to any application made in pursuance of this section after the commencement of the Crown Lands (Amendment) Act, 1927, whether the lease in respect of which the application is made was granted before or after the commencement of the Crown Lands (Amendment) Act, 1927.

(ii) by omitting from the short heading preceding the same section the word "grant" and by inserting in lieu thereof the word "selection";

Sec. 202 (1). (aa) by omitting from subsection one of section two hundred and two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";

Sec. 248. (bb) (i) by omitting from section two hundred and forty-eight the words "declarations required by the Crown Lands Acts may be made before the Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales";

(ii) by inserting in the same section the following new subsections:—

cf. Conveyancing Act, 1919, s. 169. (2) Declarations required by the Crown Lands Acts may be made—

(a) in any place in the State of New South Wales before a Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales or notary

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notary public or other person having authority to administer an oath in New South Wales;

(b) in any place out of the said State in which there is a local statutory provision enabling statutory declarations to be made for use in such place then under and in pursuance of such provision;

(c) in any place out of the said State in which there is not any such statutory provision then under and in pursuance of the Imperial Act entitled the "Statutory Declarations Act, 1835," or any other Imperial Act in that behalf.

(3) The provisions of sections twenty-one, twenty-five, and 26A of the Oaths Act, 1900, shall apply to declarations made under this section.

(4) Any person before whom any declaration under this section is made shall state in the attestation thereof at what place and on what date the declaration was made.

(cc) by omitting from subsection one of section two hundred and sixty-five the words "and before giving such consent the Minister shall be satisfied that all conditions attaching to such lease or all conditions (except the payment of balance of purchase money) attaching to such purchase have so far been and are being duly complied with"; Sec. 265 (1).

(dd) by inserting at the end of subsection one of section three hundred and seven after the words and figures "Forestry Act, 1909" the words and figures "or the Forestry Act, 1916, or any Act amending or replacing the same"; Sec. 307 (1).

(ee) (i) by omitting the word "fifteen-year" from subsection one of section one hundred and thirteen, Sec. 113 (1).
Sec. 183 (4)
(5) (5A).

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thirteen, and from subsections four, five, and (5A) of section one hundred and eighty-three;

Sec. 190 (8).

(ii) by omitting the word "fifteen-year" where firstly occurring in subsection eight of section one hundred and ninety;

Sec. 337.

(iii) by omitting the word "fifteen-year" wherever occurring in section three hundred and thirty-seven.

(ff) by inserting at the end of sections fifty-three and one hundred and twenty-three the following words:—"For the purpose of ascertaining to what extent any condition of improvement has been complied with the local land board upon application by the holder and on payment of the prescribed fee may hold an inquiry and issue a certificate in the prescribed form."

Validation
of certain
notifications.

10. Any area of land which prior to the commencement of this Act has been declared by notification in the Gazette to be reserved from sale pending survey or determination of the portion to be set apart for the public purpose specified in the notification, shall, if the notification has not been revoked, be deemed to have been temporarily reserved from sale for such public purpose as from the date of such notification.

Repeals.
Schedule.

11. (1) The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed.

Amendment
of Act No. 52,
1924.

(2) The Crown Lands and Closer Settlement (Amending) Act, 1924, is amended—

Sec. 4 (2).

(a) by omitting from subsection two of section four the words "in pursuance of this section";

Sec. 5 (1).

(b) (i) by omitting from subsection one of section five the word "section" and by inserting in lieu thereof the word "Act";

Sec. 5 (2).

(ii) by inserting in subsection two of the same section after the words "irrigation area" the words "or is land acquired under the Closer Settlement Acts."

Crown Lands (Amendment).

(3) Section four of the Crown Lands (Amendment) Act, 1917, is amended as from the passing of that Act by inserting in the amendment of section two hundred and sixty, subsection two, after the word "first" the words "where secondly occurring."

Amendment
of Act No. 27,
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SCHEDULE.

Sec. 11.

No. of Act.	Short Title.	Extent of repeal.
1914 No. 10 ...	Crown Lands and Irrigation (Amendment) Act, 1914.	Section two so far as it amended— (a) Section one hundred and thirty-eight; (b) section one hundred and forty-three; and (c) subsection two of section two hundred and seventy-three of the Crown Lands Consolidation Act, 1913;
1916 No. 29 ...	Crown Lands (Amendment) Act, 1916.	(a) subsection one of section three; (b) subsection one of section four; (c) section twenty-two and the short heading preceding that section; (d) so much of section twenty-four as amended sections one hundred and six, one hundred and twenty, one hundred and thirty-two, and one hundred and eighty-six, and as added paragraph (ba) to section fifty-seven and paragraph (da) to section three hundred and seven of the Crown Lands Consolidation Act, 1913;

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No. of Act.	Short Title.	Extent of repeal.
1916 No. 29 ...	Crown Lands (Amendment) Act, 1916— <i>continued.</i>	(e) so much of section twenty-four as amended section one hundred and twenty-seven of the Crown Lands Consolidation Act, 1913, by adding a proviso after the words "in the Gazette."
1916 No. 66 ...	Crown Lands Further Amendment Act, 1916.	Section three so far as it amended section three of the Crown Lands Amendment Act, 1916.
1917 No. 27 ...	Crown Lands (Amendment) Act, 1917.	(a) So much of section four as amended section seventy-five of the Crown Lands Consolidation Act, 1913, by omitting the words "three hundred and twenty" and inserting the words "one thousand nine hundred and twenty"; (b) so much of section four as amended sections ninety-four one hundred and six, one hundred and twenty, one hundred and twenty-seven, one hundred and thirty-two, and one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913.
1918 No. 38 ...	Irrigation (Amendment) Act, 1918.	Paragraphs (ii), (iii), (iv), (v), (vi), (vii), (viii), (x), (xiii), and (xiv) of section six.
1919 No. 44 ...	Crown Lands (Amendment) Act, 1919.	So much of section two as amended section one hundred and six of the Crown Lands Consolidation Act, 1913.

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By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1927.

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 February, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 16, 1927.

An Act to amend the law as to the determination of capital values in certain cases; to enable the reappraisement of certain rentals; to enable holders of conditional purchase leases to convert their holdings into conditional purchases and conditional leases, and holders of homestead farms to convert their holdings into Crown leases in certain events; to enable conditional leases and certain other additional holdings to be transferred and held separately from the holding in virtue of which the additional holding was applied for; to amend and extend the law relating to the subdivision of holdings; to validate certain notifications relating

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Crown Lands (Amendment).

relating to reserves from sale; to amend the law with regard to the dealing with certain applications; and for this and other purposes to amend the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 17th February, 1927.]

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

hort title.

1. This Act may be cited as the "Crown Lands (Amendment) Act, 1927," and shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

That Act as so amended is in this Act referred to as the Principal Act.

Amendment
of Act No. 7,
1913.
Sec. 167.

2. (1) The Principal Act is amended—

(a) by omitting section one hundred and sixty-seven and the short heading preceding that section and by inserting in lieu thereof the following new short heading and section:—

Appraisement of capital value of conditional purchases, conditional leases, homestead selections, conditional purchase leases, homestead farms, suburban holdings, or Crown leases.

Appraise-
ment of
capital
values.

167. (1) Subject to this section, the holder of any conditional purchase (not being a mining conditional purchase), conditional lease, homestead selection, conditional purchase lease, homestead farm, suburban holding, or Crown lease may apply to have the capital value of such land determined under the provisions of section one hundred and sixty-six.

(2)

Crown Lands (Amendment).

(2) The application shall be made in the prescribed form and shall be accompanied by the prescribed declaration and fee.

(3) The application may be lodged at any time within five years after the confirmation or approval of the application for the holding.

Where the application for the holding was confirmed or approved five years or more prior to the commencement of the Crown Lands (Amendment) Act, 1927, the application shall be made within two years after such commencement.

(4) (a) Where an appraisalment of the capital value of a holding has been made under the provisions of this section no further application thereunder to have the capital value of the holding determined shall be entertained, notwithstanding that the tenure of the holding appraised has been converted into some other form of tenure.

(b) When an appraisalment of the capital value of any holding upon an application lodged has been made under any repealed enactment within two years before the commencement of the Crown Lands (Amendment) Act, 1927, no application under this section shall be entertained, notwithstanding that the tenure of the holding appraised has been converted into some other form of tenure.

(5) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the local land board upon payment of the actual costs incurred in dealing with the application.

(6) An application shall include all lands of the tenures referred to in subsection one of this section then held by the applicant separately

Act No. 16, 1927.

Crown Lands (Amendment).

separately and in his own right in respect of which he is then entitled to apply for appraisal under this section.

(7) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any land held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

(8) The capital value of the land comprised in an application under this section shall be determined as at the date of such application, and on the same basis as that provided for fixing the capital value in the first instance.

If no basis is provided, the capital value shall be determined irrespective of improvements, but where the holding was applied for after the first day of January, one thousand nine hundred and eighteen, subject to the provisions of section one hundred and sixty-two.

(9) Subject to this section, the capital value of a holding other than a suburban holding determined upon an application under this section shall be the capital value at which during the then current period of the holding it may be converted in accordance with the provisions of this Act into any other form of tenure.

(10) Nothing in this section shall affect the provisions of subsections four and (5A) of section one hundred and eighty-three or
of

Crown Lands (Amendment).

of subsection (1A) of section one hundred and eighty-six, or any provision of the Returned Soldiers Settlement Act, 1916.

(11) The determination of the capital value shall take effect from the date of application under this section.

Where an annual rent is based upon a percentage of the capital value the rent payable at the date of such application shall continue to be the rent until the date when rent is next payable after the date of such application.

This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

(12) No sums which have been appropriated to interest shall be applied towards reduction of balance of purchase money owing at the date of application for determination of the capital value of a conditional purchase, or be refunded or set off against any instalments payable after such date.

(13) Where the total amount which has been appropriated to purchase money in respect of a conditional purchase exceeds the value so determined no refund shall be made.

- (b) by omitting section one hundred and six and Sec. 103. the short heading preceding that section ;
- (c) by omitting section one hundred and twenty ec. 120. and the short heading preceding that section ;
- (d) by omitting from section one hundred and Sec. 127. twenty-seven the proviso inserted by the Crown Lands (Amendment) Act, 1916, and subsequently amended by the Crown Lands (Amendment) Act, 1917 ;

(e)

Crown Lands (Amendment).

Sec. 132.

(e) by omitting section one hundred and thirty-two and the short heading preceding that section.

(2) Where at the commencement of this Act any proceedings are pending for the determination of the capital value of a holding, the proceedings shall be continued under the provisions of the Principal Act in force at such commencement.

Amendment
of Act No. 7,
1913.

New s. 167A.

3. The Principal Act is amended—

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

Appraisement of rents of homestead selections, homestead farms, suburban holdings, conditional purchase leases, conditional leases, settlement leases, Crown leases, and special leases.

Appraise-
ment of rents.

167A. (1) The holder of any homestead selection, homestead farm, suburban holding, conditional purchase lease, conditional lease, settlement lease, Crown lease, or special lease may, if he considers the rent to be excessive, apply to have the annual rent determined by the local land board.

(2) The application in the prescribed form shall be accompanied by the prescribed fee, and shall be made within five years after the confirmation or approval of the application for the holding, but in respect of lands held at the date of commencement of the Crown Lands (Amendment) Act, 1927, shall be made within two years from such commencement.

(3) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any lands held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

(4)

Crown Lands (Amendment).

(4) The local land board shall determine the fair annual rent of the holding, notwithstanding any provision contained in this Act or in any homestead grant or perpetual lease grant or lease that the rent shall be calculated on a percentage of the capital value of the holding.

(5) The amount so determined shall from the date when rent is next payable after the date of application for determination be deemed to be the annual rent of the holding until the termination of the period then current, or, if the unexpired portion of the period then current does not exceed five years, then in the case of a homestead selection, homestead farm, suburban holding, conditional lease, settlement lease, or Crown lease until the termination of the period next succeeding, and, in the case of a conditional purchase lease, until the termination of the lease.

In any case where the board determines the annual rent in pursuance of an application made under this section, the rent for each succeeding period, if not already determined with the unexpired portion of the preceding period, shall be determined by the local land board.

- (b) by inserting in paragraph (a) of subsection Sec. 93 (2). two of section ninety-three after the word "which" the words "subject to the provisions of section 167A";
- (c) by omitting from subsection four of section Sec. 183 (4). one hundred and eighty-three the words "upon which the rent of the homestead selection or grant was payable at the date of the application for such conversion" and by inserting in lieu thereof the words "of the homestead selection or grant at the date of the application for conversion"

(d)

Crown Lands (Amendment).

Sec. 183 (5A).

(d) by omitting from subsection (5A) of section one hundred and eighty-three the words "upon which the rent of the homestead farm was payable at the date of the application for such conversion" and by inserting in lieu thereof the words "of the homestead farm at the date of the application for conversion";

Sec. 194 (6).

(e) by omitting from paragraph (e) of subsection six of section one hundred and ninety-four the words "upon which the rent thereof was payable" and by inserting in lieu thereof the words "for the period current."

Amendment of
Act No. 7, 1913.
Sec. 109.
(C.P.L.)

4. (1) The Principal Act is amended—

(a) by omitting section one hundred and nine and the short heading preceding that section and by inserting in lieu thereof the following new short heading and section:—

Conversion of conditional purchase leases into conditional purchases and conditional leases.

Conditional
purchase
leases.
Conversion
into
conditional
purchases and
conditional
leases.

109. (1) Upon application as prescribed the holder or the owner (subject to mortgage) of a conditional purchase lease which is not liable to forfeiture may convert such lease into—

- (a) a conditional purchase;
- (b) a conditional purchase and conditional lease, but so that the area of the conditional lease shall not exceed three times the area of the conditional purchase.

(2) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be converted into a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land.

(3) The cost of any necessary survey and any balance of the said deposit shall be paid by the applicant within one month after he

Crown Lands (Amendment).

he has been called upon to do so, and upon default the application may be declared to have lapsed and any moneys paid therewith shall thereupon become forfeited :

Provided that at the request of the applicant survey may be deferred pending the conversion into an additional conditional purchase of land comprised in any conditional lease granted in pursuance of a conversion under this section.

(4) In an application for conversion in respect of a conditional purchase lease which is subject to mortgage the mortgagee shall join.

(5) The expression "conditional purchase lease" in this section means and includes an original conditional purchase lease and any additional conditional purchase lease held in virtue thereof.

(6) A conversion under this section shall not take effect until confirmed by the local land board.

(7) Upon conversion of a conditional purchase lease into a conditional purchase and conditional lease as aforesaid any such conditional purchase and conditional lease shall be subject to any special conditions which attached to the conditional purchase lease, to the general provisions of this Act respectively relating to conditional purchases and conditional leases, and to the following provisions :—

(a) any such conditional lease shall terminate at the expiration of forty years from the date of commencement of the original conditional purchase lease ;

(b) the rent payable in respect of any such conditional lease shall until the expiration of the first fifteen-year period thereof or the sooner termination of the lease be at the same rate per acre as was payable in respect of the conditional purchase lease, and thereafter
until

Crown Lands (Amendment).

until the expiration of the second fifteen-year period thereof or the sooner termination of the lease shall be as determined by the local land board, and the rent for the third and final period of ten years or portion, if any, thereof shall be determined in the like manner.

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

- (b) by omitting from section one hundred and ten the words "The capital value for the period of the lease current at the date of the application for conversion shall be the purchase money payable in respect of the land" and by inserting in lieu thereof the words "Upon conversion of a conditional purchase lease into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase or the price at which land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the conditional purchase lease for the period of the lease current at the date of the application for conversion."

Sec. 61.
(A.C.P.L.)

- (c) (i) by inserting in section sixty-one after the words "and to additional conditional purchase" the words "or conditional lease";
(ii) by inserting in the same section after the words "conversion of" the words "the whole or part of";

Sec. 113 (1).
(Additional
holdings.)

- (d) (i) by inserting in subsection one of section one hundred and thirteen after the words "being a conversion of" the words "the whole or part of";

Ibid.

- (ii) by inserting in the same subsection after the words "or an additional conditional purchase" wherever occurring the words "or conditional lease";
(iii) by inserting in the same subsection after the words "or conditional purchase" the words "or conditional lease";

(iv)

Crown Lands (Amendment).

- (iv) by inserting in subsection three of the same section after the words "being a conversion of" the words "the whole or part of";
 - (v) by inserting in the same subsection after *Ibid.* the words "additional conditional purchase" wherever occurring the words "or conditional lease";
 - (vi) by omitting subsection four of the same section;
 - (vii) by inserting in subsection five of the same section after the words "or conditional purchase" wherever occurring the words "or conditional lease";
 - (viii) by inserting in the same subsection after the words "or an additional conditional purchase" the words "or conditional lease";
 - (ix) by inserting in the same subsection after the words "or additional conditional purchase" wherever occurring the words "or conditional lease";
 - (x) by omitting from subsection six of the same section the words "being conversions and" and by inserting in lieu thereof the words "and conditional leases being conversions of"; and also by omitting the words "or additional conditional purchase" and by inserting in lieu thereof the words "additional conditional purchase or conditional lease."
- (2) The Principal Act is further amended by inserting next after section one hundred and twenty-three the following new short heading and section:—

Conversion of homestead farm into Crown lease.

123A. (1) On application as prescribed the holder of a homestead farm applied for before the passing of the Crown Lands (Amendment) Act, 1927, may, with the approval of the Minister, convert the homestead farm into a Crown lease.

(2)

Crown Lands (Amendment).

(2) Conversion shall not be allowed except where the local land board after due inquiry certifies that the best practicable use of the land is for grazing, and that the area held by the applicant does not substantially exceed a home maintenance area.

(3) The Crown lease shall be subject to the general provisions of this Act relating to Crown leases, to any special conditions which attached to the homestead farm, and to such further special conditions as the Minister, on the recommendation of the local land board, may impose.

(4) The Crown lease shall terminate at the expiration of forty-five years from the date of the commencement of the title to the homestead farm, and shall, for the purpose of the division of the lease into periods, be deemed to have commenced at that date.

(5) Upon the conversion of any homestead farm under this section, unless the local land board upon reference by the Minister before the conversion is approved recommends that a higher rental shall be paid, the rent, as from the date of the application for conversion, for the remainder of the then current period shall be at the rate of one and one quarter per centum of the capital value, and for subsequent periods at such rate as may be determined by the local land board.

Amendment
of Act No. 7,
1913.
Sec. 114 (2)
(f).

5. The Principal Act is further amended by adding at the end of paragraph (f) of subsection two of section one hundred and fourteen the following words:—"This paragraph shall not apply where the special lease was granted before the twenty-third day of December, one thousand nine hundred and twenty-four."

Further
amendment
of Act No. 7,
1913, ss. 260,
57, and 307.
(Conditional
leases.)

6. The Principal Act is further amended—

(a) by omitting paragraph five of section two hundred and sixty and all words of that section, following that paragraph, and by inserting the following new paragraph:—

(5) An additional conditional purchase or a conditional lease shall not be transferred separately from the holding by virtue

Crown Lands (Amendment).

virtue of which it was applied for until after the issue of the certificate that all the conditions attaching to that holding except that of the payment of the balance of the purchase money have been duly complied with.

- (b) by omitting paragraph (bA) of subsection one of section fifty-seven and by inserting in lieu thereof the following new subsection :—

(bA) Where a conditional lease or part thereof has been transferred or is held separately from the holding in virtue of which it was applied for the holder of the conditional lease may convert the whole or part of the land comprised in such conditional lease into a conditional purchase.

- (c) by omitting paragraph (dA) of subsection one of section three hundred and seven and by inserting in lieu thereof the following new paragraph :—

(dA) Where a conditional lease or part thereof has been transferred or is held separately from the holding in virtue of which it was applied for the holder of the conditional lease may convert the whole or part of the land comprised in such conditional lease into a conditional purchase.

7. The Principal Act is further amended—

- (a) by omitting from section two hundred and sixty-two the words “an original and additional homestead selection—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately”;
- (b) by omitting subsection three of section two hundred and sixty-three;
- (c) by omitting from section two hundred and sixty-four the words “original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase

Further
amendment
of Act No. 7,
1913, ss. 262,
263, and 264.
(H.S., S.L.,
and C.P.L.)

Crown Lands (Amendment).

purchase leases) of the same series—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately.”

Further
amendment
of Act No. 7,
1913, ss. 257,
258.
(Subdivision.)

8. The Principal Act is further amended—

- (a) (i) by inserting in section two hundred and fifty-seven after the words “homestead selection” where firstly and secondly occurring the words “homestead farm, Crown lease, conditional lease”;
- (ii) by omitting from the same section the words “and in the case of a homestead selection the homestead grant, if any, shall be surrendered and a separate homestead grant issued for each portion”;
- (iii) by inserting in the same section before the words “settlement lease” where thirdly occurring the words “Crown lease, conditional lease”;
- (iv) by omitting from the same section the words “grants and”;
- (v) by inserting at the end of the same section after the words “may approve” the following words:—

“In the case of a subdivision of a homestead grant or a perpetual lease grant the consent of the Minister 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.

Where the consent is registered 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.

A certificate of title issued for portion of a homestead grant shall expressly refer to the grant; to section ninety-three of this

Crown Lands (Amendment).

this Act and also to section two hundred and seventy-two of this Act if that section affected the grant—and a certificate of title for portion of a perpetual lease grant shall expressly refer to the grant and to section two hundred and seventy-four of this Act.

A certificate of title issued by virtue of this section shall be subject to the conditions of the grant and to the provisions of the sections of this Act which are referred to in the certificate and to the provisions of this Act to which the grant would have been subject had the subdivision not been effected."

(b) by inserting in section two hundred and fifty-eight after the words "homestead selection" wherever occurring the words "homestead farm, Crown lease, conditional lease";

(c) (i) by inserting in subsection four of section two hundred and sixty-five after the words "transfers by way of mortgage but" the words "subject to this section";

(ii) by inserting in the same subsection after the words "shall be valid for any purpose whatsoever" the words :—

"Where the consent of the Minister to the subdivision of a grant has been registered the restrictions set out in subsections two and three of this section shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

Such consent 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."

Crown Lands (Amendment).

Further amend-
ment of
Act No. 7, 1913.
(Administrative
and Miscel-
laneous.)

9. The Principal Act is further amended—
- (a) by omitting, except from section two, the words "the Land Appeal Court" wherever occurring and by inserting in lieu thereof the words "the Land and Valuation Court";
 - (b) by omitting from the definition of Crown-lease in section five the words "within an area set apart for that kind of holding";
 - (c) (i) by inserting in section thirteen after the words "local land board" wherever occurring the words "or chairman";
(ii) by inserting in the same section after the words "such board's" the words "or chairman's";
 - (d) by inserting at the end of section fifteen the following new paragraph:—
The chairman while acting in pursuance of the provisions of this section shall have all the powers of a local land board.
 - (e) by omitting from subsection two of section sixteen the words "with the chairman" wherever occurring and by inserting in lieu thereof the words "with the district surveyor";
 - (f) (i) by inserting in section seventeen after the words "local land board" wherever occurring the words "or chairman";
(ii) by inserting in subsection two of the same section before the words "may deem necessary" the words "or he";
 - (g) (i) by omitting from section nineteen the word "chairman" wherever occurring and by inserting in lieu thereof the words "district surveyor";
(ii) by inserting in the same section after the words "local land board" wherever occurring the words "or chairman";
 - (h) (i) by inserting in section twenty after the words "local land board" wherever occurring the words "or chairman";
(ii) by inserting in the same section before the words "duty according to law" the words "or his";

(i)

Crown Lands (Amendment).

- (i) by inserting in section twenty-two after the words "local land board" the words "or chairman"; Sec. 22.
- (j) by omitting from subsection three of section twenty-three the words "three months" and by inserting in lieu thereof the words "one month"; Sec. 23 (3).
- (k) (i) by inserting in subsection two of section thirty-seven after the words "valid in law" the words "and shall take effect from the date of such publication or from a later date to be specified in the regulations"; Sec. 37.
(ii) by inserting in the same subsection after the word "fourteen" wherever occurring the word "sitting";
(iii) by adding at the end of the same section the words "If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect";
- (l) by omitting from section forty-five the words "Upon receipt from the Crown land agent of any application for a conditional purchase or a conditional lease the chairman of the local land board may refer the same to the district surveyor" and by inserting in lieu thereof the words "Upon receipt by the Crown land agent of any application for a conditional purchase or conditional lease he shall refer the same to the district surveyor"; Sec. 45.
- (m) by inserting in subsection one of section fifty-seven after the words and figures "Forestry Act, 1909" the words and figures "the Forestry Act, 1916, or any Act amending or replacing the same"; Sec. 57 (1).
- (n) by inserting in subsection two of section fifty-nine after the words "which are within" the words "the boundaries of cities towns or villages or within"; Sec. 59 (2).
- (o)

Crown Lands (Amendment).

- Sec. 74. (o) (i) by inserting in section seventy-four after the words "floating docks" the words "or for any purpose declared by the Minister by notification published in the Gazette to be a purpose under this section";
- (ii) by inserting in the same section after the words "or floating dock" the words "or for any other purpose";
- Sec. 77. (p) by omitting from paragraph six of section seventy-seven the word "grant" and by inserting in lieu thereof the word "selection";
- Sec. 82. (q) by omitting from paragraph five of section eighty-two the word "grant" and by inserting in lieu thereof the word "selection";
- Sec. 85 (4). (r) by inserting in subsection four of section eighty-five after the words and figures "the Forestry Act, 1909" the words and figures "or the Forestry Act, 1916, or any Act amending or replacing the same Acts";
- Sec. 118A (4). (s) by omitting the proviso to subsection four of section 118A and inserting in lieu thereof the words "Provided that all moneys due to the Crown at the date of such issue have been paid and that the local land board shall have previously issued its certificate that all conditions attaching to the additional homestead farm (other than payment of such moneys) have been duly complied with";
- Sec. 123 (2). (t) by inserting in subsection two of section one hundred and twenty-three—
- (i) after the words "all the conditions" the words "other than payment of moneys due to the Crown";
- (ii) after the words "the Governor" the words "upon payment of all such moneys";
- Sec. 128. (u) (i) by inserting in subsection two of section one hundred and twenty-eight after the words "all conditions" the words "other than payment of moneys due to the Crown";
- (ii)

Crown Lands (Amendment).

(ii) by inserting in subsection two of the same section after the words "the Governor" the words "upon payment of all such moneys";

(iii) by inserting in section one hundred and twenty-eight the following new subsection:—

(3) The grant for an additional suburban holding may, upon application by the holder thereof, be issued at any time after the issue of the grant for the original suburban holding, notwithstanding that five years may not have elapsed after the granting of the application for the additional suburban holding:

Provided that all moneys due to the Crown at the date of such issue have been paid, and that the local land board shall have previously issued its certificate that all conditions attaching to the additional suburban holding (other than payment of such moneys) have been duly fulfilled.

(v) by inserting at the end of paragraph (k) of section 129B the following words: "but shall not apply to the subdivision of a grant where the Minister so certifies in the prescribed form.

Upon the issue of such certificate any subdivided parts of the holding may be transferred or otherwise dealt with without recourse to this subsection";

(w) by omitting from subsection one of section one hundred and fifty-two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";

(x) (i) by inserting in section 161A after the words "classified area" the words "or within an area set apart as a special area in pursuance of section fifty-nine";

(ii) by inserting in the short heading preceding the same section after the word "classified" the words "or special";

(y)

Crown Lands (Amendment).

- Sec. 190 (1). (y) by inserting in subsection one of section one hundred and ninety before the word "into" the words "or any two or more of such holdings if adjoining";
- Sec. 193. (z) (i) by inserting at the end of section one hundred and ninety-three the following new subsection:—
 (4) The provisions of section one hundred and fifty-four shall, *mutatis mutandis*, apply to any application made in pursuance of this section after the commencement of the Crown Lands (Amendment) Act, 1927, whether the lease in respect of which the application is made was granted before or after the commencement of the Crown Lands (Amendment) Act, 1927.
 (ii) by omitting from the short heading preceding the same section the word "grant" and by inserting in lieu thereof the word "selection";
- Sec. 202 (1). (aa) by omitting from subsection one of section two hundred and two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";
- Sec. 248. (bb) (i) by omitting from section two hundred and forty-eight the words "declarations required by the Crown Lands Acts may be made before the Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales";
 (ii) by inserting in the same section the following new subsections:—
 (2) Declarations required by the Crown Lands Acts may be made—
 (a) in any place in the State of New South Wales before a Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales or
 notary

cf. Convey-
ancing Act,
1919, s. 169.

Crown Lands (Amendment).

notary public or other person having authority to administer an oath in New South Wales;

(b) in any place out of the said State in which there is a local statutory provision enabling statutory declarations to be made for use in such place then under and in pursuance of such provision;

(c) in any place out of the said State in which there is not any such statutory provision then under and in pursuance of the Imperial Act entitled the "Statutory Declarations Act, 1835," or any other Imperial Act in that behalf.

(3) The provisions of sections twenty-one, twenty-five, and 26A of the Oaths Act, 1900, shall apply to declarations made under this section.

(4) Any person before whom any declaration under this section is made shall state in the attestation thereof at what place and on what date the declaration was made.

(cc) by omitting from subsection one of section two Sec. 285 (1). hundred and sixty-five the words "and before giving such consent the Minister shall be satisfied that all conditions attaching to such lease or all conditions (except the payment of balance of purchase money) attaching to such purchase have so far been and are being duly complied with";

(dd) by inserting at the end of subsection one of Sec. 307 (1). section three hundred and seven after the words and figures "Forestry Act, 1909" the words and figures "or the Forestry Act, 1916, or any Act amending or replacing the same";

(ee) (i) by omitting the word "fifteen-year" from Sec. 113 (1). subsection one of section one hundred and Sec. 183 (4) thirteen, (5) (5A).

Crown Lands (Amendment).

- thirteen, and from subsections four, five, and (5A) of section one hundred and eighty-three ;
- Sec. 190 (8). (ii) by omitting the word "fifteen-year" where firstly occurring in subsection eight of section one hundred and ninety ;
- Sec. 337. (iii) by omitting the word "fifteen-year" wherever occurring in section three hundred and thirty-seven.
- (ff) by inserting at the end of sections fifty-three and one hundred and twenty-three the following words :—" For the purpose of ascertaining to what extent any condition of improvement has been complied with the local land board upon application by the holder and on payment of the prescribed fee may hold an inquiry and issue a certificate in the prescribed form."
- Validation of certain notifications. **10.** Any area of land which prior to the commencement of this Act has been declared by notification in the Gazette to be reserved from sale pending survey or determination of the portion to be set apart for the public purpose specified in the notification, shall, if the notification has not been revoked, be deemed to have been temporarily reserved from sale for such public purpose as from the date of such notification.
- Repeals. Schedule. **11.** (1) The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed.
- Amendment of Act No. 52, 1924. (2) The Crown Lands and Closer Settlement (Amending) Act, 1924, is amended—
- Sec. 4 (2). (a) by omitting from subsection two of section four the words "in pursuance of this section" ;
- Sec. 5 (1) (b) (i) by omitting from subsection one of section five the word "section" and by inserting in lieu thereof the word "Act" ;
- Sec. 5 (2). (ii) by inserting in subsection two of the same section after the words "irrigation area" the words "or is land acquired under the Closer Settlement Acts."

(3)

Crown Lands (Amendment).

(3) Section four of the Crown Lands (Amendment) Act, 1917, is amended as from the passing of that Act by inserting in the amendment of section two hundred and sixty, subsection two, after the word "first" the words "where secondly occurring."

Amendment
of Act No. 27,
1917, s. 4.

SCHEDULE.

Sec. 11.

No. of Act.	Short Title.	Extent of repeal.
1914 No. 10 ...	Crown Lands and Irrigation (Amendment) Act, 1914.	Section two so far as it amended— (a) Section one hundred and thirty-eight; (b) section one hundred and forty-three; and (c) subsection two of section two hundred and seventy-three of the Crown Lands Consolidation Act, 1913;
1916 No. 29 ...	Crown Lands (Amendment) Act, 1916.	(a) subsection one of section three; (b) subsection one of section four; (c) section twenty-two and the short heading preceding that section; (d) so much of section twenty-four as amended sections one hundred and six, one hundred and twenty, one hundred and thirty-two, and one hundred and eighty-six, and as added paragraph (bA) to section fifty-seven and paragraph (dA) to section three hundred and seven of the Crown Lands Consolidation Act, 1913;

SCHEDULE

Act No. 16, 1927.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

No. of Act.	Short Title.	Extent of repeal.
1916 No. 29 ...	Crown Lands (Amendment) Act, 1916— <i>continued.</i>	(e) so much of section twenty-four as amended section one hundred and twenty-seven of the Crown Lands Consolidation Act, 1913, by adding a proviso after the words "in the Gazette."
1916 No. 66 ...	Crown Lands Further Amendment Act, 1916.	Section three so far as it amended section three of the Crown Lands Amendment Act, 1916.
1917 No. 27 ...	Crown Lands (Amendment) Act, 1917.	(a) So much of section four as amended section seventy-five of the Crown Lands Consolidation Act, 1913, by omitting the words "three hundred and twenty" and inserting the words "one thousand nine hundred and twenty"; (b) so much of section four as amended sections ninety-four one hundred and six, one hundred and twenty, one hundred and twenty-seven, one hundred and thirty-two, and one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913.
1918 No. 38 ...	Irrigation (Amendment) Act, 1918.	Paragraphs (ii), (iii), (iv), (v), (vi), (vii), (viii), (x), (xiii), and (xiv) of section six.
1919 No. 44 ...	Crown Lands (Amendment) Act, 1919.	So much of section two as amended section one hundred and six of the Crown Lands Consolidation Act, 1913.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Government House, Governor.
 Sydney, 17th February, 1927.

CROWN LANDS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 1st February, 1927.

Page 20, clause 9. *Omit* paragraphs z (i) and (ii).

Page 20, clause 9, line 21. *Omit* "and shall be deemed to have applied "

Page 20, clause 9, line 23. *After* "section" ~~insert~~ "after the commencement of the
" Crown Lands (Amendment) Act, 1927 "

CHRYSLER FINANCIAL CORP.

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.

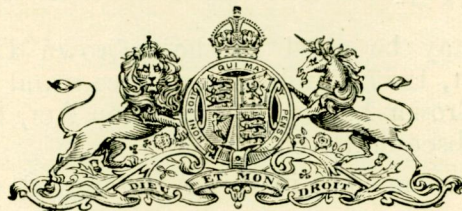
*Legislative Assembly Chamber,
Sydney, 18 January, 1927.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 1st February, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to amend the law as to the determination of capital values in certain cases; to enable the reappraisement of certain rentals; to enable holders of conditional purchase leases to convert their holdings into conditional purchases and conditional leases, and holders of homestead farms to convert their holdings into Crown leases in certain events; to enable conditional leases and certain other additional holdings to be transferred and held separately from the holding in virtue of which the additional holding was applied for; to amend and extend the law relating to the subdivision of holdings; to validate certain notifications relating

Crown Lands (Amendment).

relating to reserves from sale ; to amend the law with regard to the dealing with certain applications ; and for this and other purposes to amend the Crown Lands Consolidation Act, 1913, and certain other Acts ; and for purposes connected therewith.

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

1. This Act may be cited as the "Crown Lands (Amendment) Act, 1927," and shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts. Short title.

10 That Act as so amended is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

15 (a) by omitting section one hundred and sixty-seven and the short heading preceding that section and by inserting in lieu thereof the following new short heading and section :— Amendment of Act No. 7, 1913. † Sec. 167.

20 *Appraisement of capital value of conditional purchases, conditional leases, homestead selections, conditional purchase leases, homestead farms, suburban holdings, or Crown leases.*

25 **167.** (1) Subject to this section, the holder of any conditional purchase (not being a mining conditional purchase), conditional lease, homestead selection, conditional purchase lease, homestead farm, suburban holding, or Crown lease may apply to have the capital value of such land determined under the provisions of section one hundred and sixty-six. Appraisement of capital values.

30

(2)

Crown Lands (Amendment).

(2) The application shall be made in the prescribed form and shall be accompanied by the prescribed declaration and fee.

5 (3) The application may be lodged at any time within five years after the confirmation or approval of the application for the holding.

10 Where the application for the holding was confirmed or approved five years or more prior to the commencement of the Crown Lands (Amendment) Act, 1927, the application shall be made within two years after such commencement.

15 (4) (a) Where an appraisalment of the capital value of a holding has been made under the provisions of this section no further application thereunder to have the capital value of the holding determined shall be entertained, notwithstanding that the tenure
20 of the holding appraised has been converted into some other form of tenure.

25 (b) When an appraisalment of the capital value of any holding upon an application lodged has been made under any repealed enactment within two years before the commencement of the Crown Lands (Amendment) Act, 1927, no application under this section shall be entertained, notwithstanding that the tenure of the holding
30 appraised has been converted into some other form of tenure.

35 (5) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the local land board upon payment of the actual costs incurred in dealing with the application.

40 (6) An application shall include all lands of the tenures referred to in subsection one of this section then held by the applicant separately

Crown Lands (Amendment).

separately and in his own right in respect of which he is then entitled to apply for appraisement under this section.

5 (7) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any land held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

10 This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

15 (8) The capital value of the land comprised in an application under this section shall be determined as at the date of such application, and on the same basis as that provided for fixing the capital value in the first instance.

20 If no basis is provided, the capital value shall be determined irrespective of improvements, but where the holding was applied for after the first day of January, one thousand nine hundred and eighteen, subject to the provisions of section one hundred and sixty-two.

25 (9) Subject to this section, the capital value of a holding other than a suburban holding determined upon an application under this section shall be the capital value at which during the then current period of the holding it may be converted in accordance with the provisions of this Act into any other form of tenure.

30 (10) Nothing in this section shall affect the provisions of subsections four and (5A) of section one hundred and eighty-three or

of

Crown Lands (Amendment).

of subsection (1A) of section one hundred and eighty-six, or any provision of the Returned Soldiers Settlement Act, 1916.

5 (11) The determination of the capital value shall take effect from the date of application under this section.

10 Where an annual rent is based upon a percentage of the capital value the rent payable at the date of such application shall continue to be the rent until the date when rent is next payable after the date of such application.

15 This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

20 (12) No sums which have been appropriated to interest shall be applied towards reduction of balance of purchase money owing at the date of application for determination of the capital value of a conditional purchase, or be refunded or set off against any instalments payable after such date.

25 (13) Where the total amount which has been appropriated to purchase money in respect of a conditional purchase exceeds the value so determined no refund shall be made.

(b) by omitting section one hundred and six and Sec. 106.
the short heading preceding that section ;

35 (c) by omitting section one hundred and twenty Sec. 120.
and the short heading preceding that section ;

(d) by omitting from section one hundred and Sec. 127
twenty-seven the proviso inserted by the
Crown Lands (Amendment) Act, 1916, and
subsequently amended by the Crown Lands
40 (Amendment) Act, 1917 ;

(e)

Crown Lands (Amendment).

(e) by omitting section one hundred and thirty-two and the short heading preceding that section. Sec 132.

(2) Where at the commencement of this Act any proceedings are pending for the determination of the capital value of a holding, the proceedings shall be continued under the provisions of the Principal Act in force at such commencement.

3. The Principal Act is amended—

(a) by inserting next after section one hundred and sixty-seven the following new short heading and new section:— Amendment
of Act No. 7,
1913.
New s. 167A.

*Appraisalment of rents of homestead selections,
homestead farms, suburban holdings,
conditional purchase leases, conditional
leases, settlement leases, Crown leases,
and special leases.*

167A. (1) The holder of any homestead selection, homestead farm, suburban holding, conditional purchase lease, conditional lease, settlement lease, Crown lease, or special lease may, if he considers the rent to be excessive, apply to have the annual rent determined by the local land board. Appraise-
ment of rents.

(2) The application in the prescribed form shall be accompanied by the prescribed fee, and shall be made within five years after the confirmation or approval of the application for the holding, but in respect of lands held at the date of commencement of the Crown Lands (Amendment) Act, 1927, shall be made within two years from such commencement.

(3) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any lands held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

(4)

Crown Lands (Amendment).

5 (4) The local land board shall determine the fair annual rent of the holding, notwithstanding any provision contained in this Act or in any homestead grant or perpetual lease grant or lease that the rent shall be calculated on a percentage of the capital value of the holding.

10 (5) The amount so determined shall from the date when rent is next payable after the date of application for determination be deemed to be the annual rent of the holding until the termination of the period then current, or, if the unexpired portion of the period then
15 current does not exceed five years, then in the case of a homestead selection, homestead farm, suburban holding, conditional lease, settlement lease, or Crown lease until the termination of the period next succeeding, and, in the case of a conditional purchase lease, until the termination of the lease.
20

In any case where the board determines the annual rent in pursuance of an application made under this section, the rent for each succeeding period, if not already determined
25 with the unexpired portion of the preceding period, shall be determined by the local land board.

(b) by inserting in paragraph (a) of subsection Sec. 93 (2).
30 two of section ninety-three after the word "which" the words "subject to the provisions of section 167A";

(c) by omitting from subsection four of section Sec. 183 (4).
35 one hundred and eighty-three the words "upon which the rent of the homestead selection or grant was payable at the date of the application for such conversion" and by inserting in lieu thereof the words "of the homestead selection or grant at the date of the application for conversion";

(d)

Crown Lands (Amendment).

(d) by omitting from subsection (5A) of section 183 (5A).
one hundred and eighty-three the words "upon
which the rent of the homestead farm was
payable at the date of the application for such
conversion" and by inserting in lieu thereof
the words "of the homestead farm at the date
of the application for conversion";

(e) by omitting from paragraph (e) of subsection 194 (6).
six of section one hundred and ninety-four
the words "upon which the rent thereof was
payable" and by inserting in lieu thereof the
words "for the period current."

4. (1) The Principal Act is amended—

(a) by omitting section one hundred and nine and
the short heading preceding that section and
by inserting in lieu thereof the following new
short heading and section:—

Amendment of
Act No. 7, 1912.
Sec. 109.
(C.P.L.)

*Conversion of conditional purchase leases into
conditional purchases and conditional
leases.*

109. (1) Upon application as prescribed the
holder or the owner (subject to mortgage) of a
conditional purchase lease which is not liable
to forfeiture may convert such lease into—

Conditional
purchase
leases.
Conversion
into
conditional
purchases and
conditional
leases.

- (a) a conditional purchase;
(b) a conditional purchase and conditional
lease, but so that the area of the
conditional lease shall not exceed three
times the area of the conditional
purchase.

(2) With any such application for
conversion a provisional deposit shall be paid
at the rate of one shilling per acre of the area
proposed to be converted into a conditional
purchase as payment or part payment of a
deposit to be made of five per centum of the
capital value of the land.

(3) The cost of any necessary survey
and any balance of the said deposit shall be
paid by the applicant within one month after
he

Crown Lands (Amendment).

- 5 until the expiration of the second fifteen-year period thereof or the sooner termination of the lease shall be as determined by the local land board, and the rent for the third and final period of ten years or portion, if any, thereof shall be determined in the like manner.
- 10 (b) by omitting from section one hundred and ten Sec. 110.
the words "The capital value for the period of (Payment of
the lease current at the date of the application purchase
for conversion shall be the purchase money money on
payable in respect of the land" and by insert- conversion.)
ing in lieu thereof the words "Upon conver-
15 sion of a conditional purchase lease into a
conditional purchase or into a conditional
purchase and conditional lease the price of the
conditional purchase or the price at which land
20 comprised in the conditional lease shall be
convertible into an additional conditional pur-
chase shall be the capital value of the con-
ditional purchase lease for the period of the
lease current at the date of the application for
conversion."
- 25 (c) (i) by inserting in section sixty-one after the Sec. 61.
words "and to additional conditional pur- (A.C.P.L.)
chase" the words "or conditional lease";
(ii) by inserting in the same section after the
30 words "conversion of" the words "the
whole or part of";
- (d) (i) by inserting in subsection one of section Sec. 113 (1).
one hundred and thirteen after the words (Additional
"being a conversion of" the words "the holdings.)
whole or part of";
- 35 (ii) by inserting in the same subsection after *Ibid.*
the words "or an additional conditional
purchase" wherever occurring the words
"or conditional lease";
- 40 (iii) by inserting in the same subsection after
the words "or conditional purchase" the
words "or conditional lease";
- (iv)

Crown Lands (Amendment).

- (iv) by inserting in subsection three of the same section after the words "being a conversion of" the words "the whole or part of";
- 5 (v) by inserting in the same subsection after *Ibid.* the words "additional conditional purchase" wherever occurring the words "or conditional lease";
- (vi) by omitting subsection four of the same section;
- 10 (vii) by inserting in subsection five of the same section after the words "or conditional purchase" wherever occurring the words "or conditional lease";
- 15 (viii) by inserting in the same subsection after the words "or an additional conditional purchase" the words "or conditional lease";
- (ix) by inserting in the same subsection after the words "or additional conditional purchase" wherever occurring the words "or conditional lease";
- 20 (x) by omitting from subsection six of the same section the words "being conversions and" and by inserting in lieu thereof the words "and conditional leases being conversions of"; and also by omitting the words "or additional conditional purchase" and by inserting in lieu thereof the words "additional conditional purchase or conditional lease."

(2) The Principal Act is further amended by inserting next after section one hundred and twenty-three the following new short heading and section :—

35 *Conversion of homestead farm into Crown lease.*

123A. (1) On application as prescribed the holder of a homestead farm applied for before the passing of the Crown Lands (Amendment) Act, 1927, may, with the approval of the Minister, convert the homestead farm into a Crown lease.

(2)

Crown Lands (Amendment).

(2) Conversion shall not be allowed except where the local land board after due inquiry certifies that the best practicable use of the land is for grazing, and that the area held by the applicant does not substantially exceed a home maintenance area.

5

(3) The Crown lease shall be subject to the general provisions of this Act relating to Crown leases, to any special conditions which attached to the homestead farm, and to such further special conditions as the Minister, on the recommendation of the local land board, may impose.

10

(4) The Crown lease shall terminate at the expiration of forty-five years from the date of the commencement of the title to the homestead farm, and shall, for the purpose of the division of the lease into periods, be deemed to have commenced at that date.

15

(5) Upon the conversion of any homestead farm under this section, unless the local land board upon reference by the Minister before the conversion is approved recommends that a higher rental shall be paid, the rent, as from the date of the application for conversion, for the remainder of the then current period shall be at the rate of one and one quarter per centum of the capital value, and for subsequent periods at such rate as may be determined by the local land board.

20

25

5. The Principal Act is further amended by adding at the end of paragraph (f) of subsection two of section one hundred and fourteen the following words:—"This paragraph shall not apply where the special lease was granted before the twenty-third day of December, one thousand nine hundred and twenty-four."

30

Amendment
of Act No. 7,
1913.
Sec. 114 (2).
(f).

6. The Principal Act is further amended—

35

(a) by omitting paragraph five of section two hundred and sixty and all words of that section, following that paragraph, and by inserting the following new paragraph:—

Further
amendment
of Act No. 7,
1913, ss. 260,
57, and 307.
(Conditional
leases.)

40

(5) An additional conditional purchase or a conditional lease shall not be transferred separately from the holding by virtue

virtue

Crown Lands (Amendment).

virtue of which it was applied for until after the issue of the certificate that all the conditions attaching to that holding except that of the payment of the balance of the purchase money have been duly complied with.

- (b) by omitting paragraph (bA) of subsection one of section fifty-seven and by inserting in lieu thereof the following new subsection:—

(bA) Where a conditional lease or part thereof has been transferred or is held separately from the holding in virtue of which it was applied for the holder of the conditional lease may convert the whole or part of the land comprised in such conditional lease into a conditional purchase.

- (c) by omitting paragraph (dA) of subsection one of section three hundred and seven and by inserting in lieu thereof the following new paragraph:—

(dA) Where a conditional lease or part thereof has been transferred or is held separately from the holding in virtue of which it was applied for the holder of the conditional lease may convert the whole or part of the land comprised in such conditional lease into a conditional purchase.

7. The Principal Act is further amended—

- (a) by omitting from section two hundred and sixty-two the words “an original and additional homestead selection—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately”;
- (b) by omitting subsection three of section two hundred and sixty-three;
- (c) by omitting from section two hundred and sixty-four the words “original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase

Further amendment of Act No. 7, 1913, ss. 262, 263, and 264 (H.S., S.L., and C.P.L.)

Crown Lands (Amendment).

purchase leases) of the same series—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately.”

8. The Principal Act is further amended—

- (a) (i) by inserting in section two hundred and fifty-seven after the words “homestead selection” where firstly and secondly occurring the words “homestead farm, Crown lease, conditional lease”;
- (ii) by omitting from the same section the words “and in the case of a homestead selection the homestead grant, if any, shall be surrendered and a separate homestead grant issued for each portion”;
- (iii) by inserting in the same section before the words “settlement lease” where thirdly occurring the words “Crown lease, conditional lease”;
- (iv) by omitting from the same section the words “grants and”;
- (v) by inserting at the end of the same section after the words “may approve” the following words:—

Further amendment of Act No. 7, 1913, ss. 257, 258.
(Subdivision.)

“In the case of a subdivision of a homestead grant or a perpetual lease grant the consent of the Minister 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.

Where the consent is registered 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.

A certificate of title issued for portion of a homestead grant shall expressly refer to the grant; to section ninety-three of this

Crown Lands (Amendment).

5 this Act and also to section two hundred and seventy-two of this Act if that section affected the grant—and a certificate of title for portion of a perpetual lease grant shall expressly refer to the grant and to section two hundred and seventy-four of this Act.

10 A certificate of title issued by virtue of this section shall be subject to the conditions of the grant and to the provisions of the sections of this Act which are referred to in the certificate and to the provisions of this Act to which the grant would have been subject had the sub-
15 division not been effected."

(b) by inserting in section two hundred and fifty- Sec. 258.
eight after the words "homestead selection" wherever occurring the words "homestead farm, Crown lease, conditional lease";

20 (c) (i) by inserting in subsection four of section Sec. 265.
two hundred and sixty-five after the words "transfers by way of mortgage but" the words "subject to this section";

25 (ii) by inserting in the same subsection after the words "shall be valid for any purpose whatsoever" the words :—

30 "Where the consent of the Minister to the subdivision of a grant has been registered the restrictions set out in subsections two and three of this section shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

35 Such consent 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."

*Crown Lands (Amendment).***9.** The Principal Act is further amended—

Further amend-
ment of
Act No. 7, 1913
(Administrative
and Miscel-
laneous.)

- 5 (a) by omitting, except from section two, the words "the Land Appeal Court" wherever occurring and by inserting in lieu thereof the words "the Land and Valuation Court";
- (b) by omitting from the definition of Crown-lease in section five the words "within an area set apart for that kind of holding";
- 10 (c) (i) by inserting in section thirteen after the words "local land board" wherever occurring the words "or chairman";
- (ii) by inserting in the same section after the words "such board's" the words "or chairman's";
- 15 (d) by inserting at the end of section fifteen the following new paragraph:—
The chairman while acting in pursuance of the provisions of this section shall have all the powers of a local land board.
- 20 (e) by omitting from subsection two of section sixteen the words "with the chairman" wherever occurring and by inserting in lieu thereof the words "with the district surveyor";
- 25 (f) (i) by inserting in section seventeen after the words "local land board" wherever occurring the words "or chairman";
- (ii) by inserting in subsection two of the same section before the words "may deem necessary" the words "or he";
- 30 (g) (i) by omitting from section nineteen the word "chairman" wherever occurring and by inserting in lieu thereof the words "district surveyor";
- 35 (ii) by inserting in the same section after the words "local land board" wherever occurring the words "or chairman";
- (h) (i) by inserting in section twenty after the words "local land board" wherever occurring the words "or chairman";
- 40 (ii) by inserting in the same section before the words "duty according to law" the words "or his";

(i)

Crown Lands (Amendment).

- (i) by inserting in section twenty-two after the Sec. 22.
words "local land board" the words "or
chairman";
- 5 (j) by omitting from subsection three of section Sec. 23 (3).
twenty-three the words "three months" and
by inserting in lieu thereof the words "one
month";
- 10 (k) (i) by inserting in subsection two of section Sec. 37.
thirty-seven after the words "valid in law"
the words "and shall take effect from the
date of such publication or from a later
date to be specified in the regulations";
- 15 (ii) by inserting in the same subsection after the
word "fourteen" wherever occurring the
word "sitting";
- 20 (iii) by adding at the end of the same section
the words "If either House of Parliament
passes a resolution of which notice has been
given at any time within fifteen sitting
days after such regulations have been laid
before such House disallowing any regula-
tion or part thereof, such regulation or part
shall thereupon cease to have effect";
- 25 (l) by omitting from section forty-five the words Sec. 45.
"Upon receipt from the Crown land agent of
any application for a conditional purchase or
a conditional lease the chairman of the local
land board may refer the same to the district
surveyor" and by inserting in lieu thereof the
30 words "Upon receipt by the Crown land
agent of any application for a conditional
purchase or conditional lease he shall refer
the same to the district surveyor";
- 25 (m) by inserting in subsection one of section fifty- Sec. 57 (1).
seven after the words and figures "Forestry
Act, 1909" the words and figures "the
Forestry Act, 1916, or any Act amending or
replacing the same";
- 40 (n) by inserting in subsection two of section fifty- Sec. 59 (2).
nine after the words "which are within" the
words "the boundaries of cities towns or
villages or within";
- (o)

Crown Lands (Amendment).

- 5 (o) (i) by inserting in section seventy-four after Sec. 74.
the words "floating docks" the words "or
for any purpose declared by the Minister
by notification published in the Gazette to
be a purpose under this section";
- (ii) by inserting in the same section after the
words "or floating dock" the words "or
for any other purpose";
- 10 (p) by omitting from paragraph six of section Sec. 7.
seventy-seven the word "grant" and by insert-
ing in lieu thereof the word "selection";
- (q) by omitting from paragraph five of section Sec. 82.
eighty-two the word "grant" and by inserting
in lieu thereof the word "selection";
- 15 (r) by inserting in subsection four of section Sec. 85 (4).
eighty-five after the words and figures "the
Forestry Act, 1909" the words and figures
"or the Forestry Act, 1916, or any Act
amending or replacing the same Acts";
- 20 (s) by omitting the proviso to subsection four Sec. 118A (4).
of section 118A and inserting in lieu thereof
the words "Provided that all moneys due
to the Crown at the date of such issue have
been paid and that the local land board shall
25 have previously issued its certificate that all
conditions attaching to the additional home-
stead farm (other than payment of such
moneys) have been duly complied with";
- 30 (t) by inserting in subsection two of section one Sec. 123 (2).
hundred and twenty-three—
(i) after the words "all the conditions"
the words "other than payment of
moneys due to the Crown";
- 35 (ii) after the words "the Governor" the
words "upon payment of all such
moneys";
- (u) (i) by inserting in subsection two of section Sec. 123.
one hundred and twenty-eight after the
words "all conditions" the words "other
40 than payment of moneys due to the
Crown";
(ii)

Crown Lands (Amendment).

- (ii) by inserting in subsection two of the same section after the words "the Governor" the words "upon payment of all such moneys";
- 5 (iii) by inserting in section one hundred and twenty-eight the following new subsection:—
- (3) The grant for an additional suburban holding may, upon application by the holder thereof, be issued at any time after the issue of the grant for the original suburban holding, notwithstanding that five years may not have elapsed after the granting of the application for the additional suburban holding:
- 10
- 15 Provided that all moneys due to the Crown at the date of such issue have been paid, and that the local land board shall have previously issued its certificate that all conditions attaching to the additional suburban holding (other than payment of such moneys) have been duly fulfilled.
- 20
- (v) by inserting at the end of paragraph (k) of section 129B the following words: "but shall not apply to the subdivision of a grant where the Minister so certifies in the prescribed form. Sec. 129B.
- 25
- Upon the issue of such certificate any subdivided parts of the holding may be transferred or otherwise dealt with without recourse to this subsection";
- 30
- (w) by omitting from subsection one of section one hundred and fifty-two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor"; Sec. 152 (1).
- 35
- (x) (i) by inserting in section 161A after the words "classified area" the words "or within an area set apart as a special area in pursuance of section fifty-nine"; Sec. 161A.
- 40
- (ii) by inserting in the short heading preceding the same section after the word "classified" the words "or special";

(y)

Crown Lands (Amendment).

- (y) by inserting in subsection one of section one ^{Sec. 190 (1)} hundred and ninety before the word "into" the words "or any two or more of such holdings if adjoining";
- 5 (z) (i) insert the words and figures:— ^{Sec. 193.}
by inserting in subsection one of section one hundred and ninety-three after the word "holder" where first occurring the words "at the commencement of the Crown
- 10 Lands (Amendment) Act, 1927";
- (ii) by inserting in the same subsection after the words "seventy-three hereof" the words "or the original lessee of any such lease granted after the commencement of the
- 15 Crown Lands (Amendment) Act, 1927";
- (z) (iii i) by inserting at the end of section one hundred and ninety-three the following new subsection:—
- 20 (4) The provisions of section one hundred and fifty-four shall, mutatis mutandis, apply ~~and shall be deemed to have applied~~ to any application made in pursuance of this section **after the commencement of the Crown Lands (Amendment) Act, 1927,** whether the lease in respect of which the application is made was granted before or after the commencement of the Crown Lands (Amendment) Act, 1927.
- 25 (iv ii) by omitting from the short heading preceding the same section the word "grant" and by inserting in lieu thereof the word "selection";
- 30 (aa) by omitting from subsection one of section two ^{Sec. 202 (1).} hundred and two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";
- 35 (bb) (i) by omitting from section two hundred and ^{Sec. 248.} forty-eight the words "declarations required by the Crown Lands Acts may be made before the Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales"
- 40 (ii)

Crown Lands (Amendment).

(ii) by inserting in the same section the following new subsections:—

(2) Declarations required by the Crown Lands Acts may be made—
cf. Conveyancing Act, 1919, s. 169.

- 5 (a) in any place in the State of New South Wales before a Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales or
10 notary public or other person having authority to administer an oath in New South Wales;
- 15 (b) in any place out of the said State in which there is a local statutory provision enabling statutory declarations to be made for use in such place then under and in pursuance of such provision;
- 20 (c) in any place out of the said State in which there is not any such statutory provision then under and in pursuance of the Imperial Act entitled the "Statutory Declarations Act, 1835," or any other Imperial Act in that behalf.
- 25 (3) The provisions of sections twenty-one, twenty-five, and 26A of the Oaths Act, 1900, shall apply to declarations made under this section.
- 30 (4) Any person before whom any declaration under this section is made shall state in the attestation thereof at what place and on what date the declaration was made.

- (cc) by omitting from subsection one of section two hundred and sixty-five the words "and before
35 giving such consent the Minister shall be satisfied that all conditions attaching to such lease or all conditions (except the payment of balance of purchase money) attaching to such purchase have so far been and are being duly complied with";
- 40

(dd)

Crown Lands (Amendment).

- (dd) by inserting at the end of subsection one of section three hundred and seven after the words and figures "Forestry Act, 1909" the words and figures "or the Forestry Act, 1916, or any Act amending or replacing the same";
- (ee) (i) by omitting the word "fifteen-year" from subsection one of section one hundred and thirteen, and from subsections four, five, and (5A) of section one hundred and eighty-three;
- (ii) by omitting the word "fifteen-year" where firstly occurring in subsection eight of section one hundred and ninety;
- (iii) by omitting the word "fifteen-year" wherever occurring in section three hundred and thirty-seven.
- (ff) by inserting at the end of sections fifty-three and one hundred and twenty-three the following words:—"For the purpose of ascertaining to what extent any condition of improvement has been complied with the local land board upon application by the holder and on payment of the prescribed fee may hold an inquiry and issue a certificate in the prescribed form."
- 10.** Any area of land which prior to the commencement of this Act has been declared by notification in the Gazette to be reserved from sale pending survey or determination of the portion to be set apart for the public purpose specified in the notification, shall, if the notification has not been revoked, be deemed to have been temporarily reserved from sale for such public purpose as from the date of such notification.
- 11.** (1) The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby
- (2) The Crown Lands and Closer Settlement (Amending) Act, 1924, is amended—
- (a) by omitting from subsection two of section four the words "in pursuance of this section";
- (b) (i) by omitting from subsection one of section five the word "section" and by inserting in lieu thereof the word "Act";

Validation of certain notifications.

Repeals. Schedule.

Amendment of Act No. 52, 1924.

Sec. 4 (2).

Sec. 5 (1).

(ii)

Crown Lands (Amendment).

(ii) by inserting in subsection two of the same section after the words "irrigation area" the words "or is land acquired under the Closer Settlement Acts."

5 (3) Section four of the Crown Lands (Amendment) Act, 1917, is amended as from the passing of that Act by inserting in the amendment of section two hundred and sixty, subsection two, after the word "first" the words "where secondly occurring."

Sec. 5 (2).
Amendment
of Act No. 27,
1917, s. 4.

10

SCHEDULE.

Sec. 11.

No. of Act.	Short Title.	Extent of repeal.
1914 No. 10 ...	Crown Lands and Irrigation (Amendment) Act, 1914.	Section two so far as it amended— (a) Section one hundred and thirty-eight; (b) section one hundred and forty-three; and (c) subsection two of section two hundred and seventy-three of the Crown Lands Consolidation Act, 1913;
1916 No. 29 ...	Crown Lands (Amendment) Act, 1916.	(a) subsection one of section three; (b) subsection one of section four; (c) section twenty-two and the short heading preceding that section; (d) so much of section twenty-four as amended sections one hundred and six, one hundred and twenty, one hundred and thirty-two, and one hundred and eighty-six, and as added paragraph (bA) to section fifty-seven and paragraph (dA) to section three hundred and seven of the Crown Lands Consolidation Act, 1913;

SCHEDULE

*Crown Lands (Amendment).*SCHEDULE—*continued.*

No. of Act.	Short Title.	Extent of repeal.
5 1916 No. 29 ...	Crown Lands (Amendment) Act, 1916— <i>continued.</i>	(e) so much of section twenty-four as amended section one hundred and twenty-seven of the Crown Lands Consolidation Act, 1913, by adding a proviso after the words "in the Gazette."
10 1916 No. 66 ...	Crown Lands Further Amendment Act, 1916.	Section three so far as it amended section three of the Crown Lands Amendment Act, 1916.
15 1917 No. 27 ...	Crown Lands (Amendment) Act, 1917.	(a) So much of section four as amended section seventy-five of the Crown Lands Consolidation Act, 1913, by omitting the words "three hundred and twenty" and inserting the words "one thousand nine hundred and twenty"; (b) so much of section four as amended sections ninety-four one hundred and six, one hundred and twenty, one hundred and twenty-seven, one hundred and thirty-two, and one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913.
20 25 30 1918 No. 38 ...	Irrigation (Amendment) Act, 1918.	Paragraphs (ii), (iii), (iv), (v), (vi), (vii), (viii), (x), (xiii), and (xiv) of section six.
35 1919 No. 44 ...	Crown Lands (Amendment) Act, 1919.	So much of section two as amended section one hundred and six of the Crown Lands Consolidation Act, 1913.

1927.

Legislative Council.

Crown Lands (Amendment) Bill, 1927.

EXPLANATORY NOTE.

THE Bill provides :—

- (a) for the determination or re-determination of the capital values and the appraisement or re-appraisement of the rentals of certain classes of holdings under the Crown Lands Acts.
- (b) for the conversion of conditional purchase leases into conditional purchases and conditional leases and, in certain events, for the conversion of homestead farms into Crown leases.
- (c) for the transfer of conditional leases and certain other additional holdings separately from the holdings in virtue of which they were applied for.
- (d) for an extension of the law relating to the subdivision of holdings under the Crown Lands Acts.
- (e) for the validation of certain notifications relating to reserves from sale.
- (f) for an amendment of the law with regard to the dealing with certain applications.
- (g) for certain other amendments of an administrative or miscellaneous character.

1895

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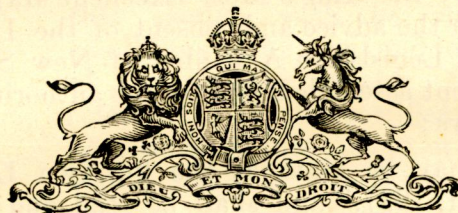
NEW YORK

1895

*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, 18 January, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to amend the law as to the determination of capital values in certain cases; to enable the reappraisement of certain rentals; to enable holders of conditional purchase leases to convert their holdings into conditional purchases and conditional leases, and holders of homestead farms to convert their holdings into Crown leases in certain events; to enable conditional leases and certain other additional holdings to be transferred and held separately from the holding in virtue of which the additional holding was applied for; to amend and extend the law relating to the subdivision of holdings; to validate certain notifications relating

Crown Lands (Amendment).

relating to reserves from sale ; to amend the law with regard to the dealing with certain applications ; and for this and other purposes to amend the Crown Lands Consolidation Act, 1913, and certain other Acts ; and for purposes connected therewith.

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

1. This Act may be cited as the “Crown Lands (Amendment) Act, 1927,” and shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts. Short title.

10 That Act as so amended is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

15 (a) by omitting section one hundred and sixty-seven and the short heading preceding that section and by inserting in lieu thereof the following new short heading and section :— Amendment of Act No. 7, 1913. Sec. 167.

20 *Appraisement of capital value of conditional purchases, conditional leases, homestead selections, conditional purchase leases, homestead farms, suburban holdings, or Crown leases.*

25 **167.** (1) Subject to this section, the holder of any conditional purchase (not being a mining conditional purchase), conditional lease, homestead selection, conditional purchase lease, homestead farm, suburban holding, or Crown lease may apply to have the capital value of such land determined under the provisions of section one hundred and sixty-six. Appraisement of capital values.

30

(2)

Crown Lands (Amendment).

(2) The application shall be made in the prescribed form and shall be accompanied by the prescribed declaration and fee.

5 (3) The application may be lodged at any time within five years after the confirmation or approval of the application for the holding.

10 Where the application for the holding was confirmed or approved five years or more prior to the commencement of the Crown Lands (Amendment) Act, 1927, the application shall be made within two years after such commencement.

15 (4) (a) Where an appraisalment of the capital value of a holding has been made under the provisions of this section no further application thereunder to have the capital value of the holding determined shall be entertained, notwithstanding that the tenure
20 of the holding appraised has been converted into some other form of tenure.

(b) When an appraisalment of the capital value of any holding upon an application lodged has been made under any
25 repealed enactment within two years before the commencement of the Crown Lands (Amendment) Act, 1927, no application under this section shall be entertained, notwithstanding that the tenure of the holding
30 appraised has been converted into some other form of tenure.

(5) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing
35 by the local land board upon payment of the actual costs incurred in dealing with the application.

(6) An application shall include all
40 lands of the tenures referred to in subsection one of this section then held by the applicant separately

Crown Lands (Amendment).

separately and in his own right in respect of which he is then entitled to apply for appraisal under this section.

5 (7) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

Any land held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

10 This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands
15 (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

(8) The capital value of the land
20 comprised in an application under this section shall be determined as at the date of such application, and on the same basis as that provided for fixing the capital value in the first instance.

25 If no basis is provided, the capital value shall be determined irrespective of improvements, but where the holding was applied for after the first day of January, one thousand nine hundred and eighteen, subject to the
30 provisions of section one hundred and sixty-two.

(9) Subject to this section, the capital value of a holding other than a suburban holding determined upon an application under this section shall be the capital value at which
35 during the then current period of the holding it may be converted in accordance with the provisions of this Act into any other form of tenure.

40 (10) Nothing in this section shall affect the provisions of subsections four and (5A) of section one hundred and eighty-three or
of

Crown Lands (Amendment).

of subsection (1A) of section one hundred and eighty-six, or any provision of the Returned Soldiers Settlement Act, 1916.

5 (11) The determination of the capital value shall take effect from the date of application under this section.

Where an annual rent is based upon a percentage of the capital value the rent payable at the date of such application shall continue to be the rent until the date when rent is next payable after the date of such application.

10 This subsection shall not apply in respect of holdings the application for which has been confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement.

20 (12) No sums which have been appropriated to interest shall be applied towards reduction of balance of purchase money owing at the date of application for determination of the capital value of a conditional purchase, or be refunded or set off against any instalments payable after such date.

30 (13) Where the total amount which has been appropriated to purchase money in respect of a conditional purchase exceeds the value so determined no refund shall be made.

(b) by omitting section one hundred and six and the short heading preceding that section ; Sec. 106.

35 (c) by omitting section one hundred and twenty and the short heading preceding that section ; Sec. 120.

(d) by omitting from section one hundred and twenty-seven the proviso inserted by the Crown Lands (Amendment) Act, 1916, and subsequently amended by the Crown Lands (Amendment) Act, 1917 ; Sec. 127.

40

(e)

Crown Lands (Amendment).

(e) by omitting section one hundred and thirty-two and the short heading preceding that section. Sec 132.

(2) Where at the commencement of this Act any proceedings are pending for the determination of the capital value of a holding, the proceedings shall be continued under the provisions of the Principal Act in force at such commencement.

3. The Principal Act is amended—

10 (a) by inserting next after section one hundred and sixty-seven the following new short heading and new section :— Amendment
of Act No 7,
1913.
New s. 167A.

15 *Appraisement of rents of homestead selections,
homestead farms, suburban holdings,
conditional purchase leases, conditional
leases, settlement leases, Crown leases,
and special leases.*

20 167A. (1) The holder of any homestead selection, homestead farm, suburban holding, conditional purchase lease, conditional lease, settlement lease, Crown lease, or special lease may, if he considers the rent to be excessive, apply to have the annual rent determined by the local land board. Appraise-
ment of rents.

25 (2) The application in the prescribed form shall be accompanied by the prescribed fee, and shall be made within five years after the confirmation or approval of the application for the holding, but in respect of lands held at the date of commencement of the Crown Lands (Amendment) Act, 1927, shall be made within two years from such commencement.

30 (3) No application under this section shall be granted if in the opinion of the local land board the lands held by the applicant substantially exceed a home maintenance area.

35 Any lands held by the spouse of the applicant shall for the purposes of this subsection be deemed to be held by the applicant.

(4)

Crown Lands (Amendment).

5 (4) The local land board shall determine the fair annual rent of the holding, notwithstanding any provision contained in this Act or in any homestead grant or perpetual lease grant or lease that the rent shall be calculated on a percentage of the capital value of the holding.

10 (5) The amount so determined shall from the date when rent is next payable after the date of application for determination be deemed to be the annual rent of the holding until the termination of the period then current, or, if the unexpired portion of the period then current does not exceed five years, then in the case of a homestead selection, homestead farm, 15 suburban holding, conditional lease, settlement lease, or Crown lease until the termination of the period next succeeding, and, in the case of a conditional purchase lease, until the termination of the lease. 20

25 In any case where the board determines the annual rent in pursuance of an application made under this section, the rent for each succeeding period, if not already determined with the unexpired portion of the preceding period, shall be determined by the local land board.

30 (b) by inserting in paragraph (a) of subsection Sec. 93 (2). two of section ninety-three after the word "which" the words "subject to the provisions of section 167A";

35 (c) by omitting from subsection four of section Sec. 183 (4). one hundred and eighty-three the words "upon which the rent of the homestead selection or grant was payable at the date of the application for such conversion" and by inserting in lieu thereof the words "of the homestead selection or grant at the date of the application for conversion";

(d)

Crown Lands (Amendment).

(d) by omitting from subsection (5A) of section 183 (5A).
one hundred and eighty-three the words "upon
which the rent of the homestead farm was
payable at the date of the application for such
conversion" and by inserting in lieu thereof
the words "of the homestead farm at the date
of the application for conversion";

(e) by omitting from paragraph (e) of subsection 194 (6).
six of section one hundred and ninety-four
the words "upon which the rent thereof was
payable" and by inserting in lieu thereof the
words "for the period current."

4. (1) The Principal Act is amended—

(a) by omitting section one hundred and nine and
the short heading preceding that section and
by inserting in lieu thereof the following new
short heading and section:—

Amendment of
Act No. 7, 1912.
Sec. 109.
(C.P.L.)

*Conversion of conditional purchase leases into
conditional purchases and conditional
leases.*

109. (1) Upon application as prescribed the
holder or the owner (subject to mortgage) of a
conditional purchase lease which is not liable
to forfeiture may convert such lease into—

Conditional
purchase
leases.
Conversion
into
conditional
purchases and
conditional
leases.

- (a) a conditional purchase;
(b) a conditional purchase and conditional
lease, but so that the area of the
conditional lease shall not exceed three
times the area of the conditional
purchase.

(2) With any such application for
conversion a provisional deposit shall be paid
at the rate of one shilling per acre of the area
proposed to be converted into a conditional
purchase as payment or part payment of a
deposit to be made of five per centum of the
capital value of the land.

(3) The cost of any necessary survey
and any balance of the said deposit shall be
paid by the applicant within one month after
he

he has been called upon to do so, and upon default the application may be declared to have lapsed and any moneys paid therewith shall thereupon become forfeited :

10 (4) In an application for conversion in respect of a conditional purchase lease which is subject to mortgage the mortgagee shall join.

(6) A conversion under this section shall not take effect until confirmed by the local land board.

30 (a) any such conditional lease shall terminate at the expiration of forty years from the date of commencement of the original conditional purchase lease;

35 (b) the rent payable in respect of any such
conditional lease shall until the expira-
tion of the first fifteen-year period
thereof or the sooner termination of
the lease be at the same rate per acre
40 as was payable in respect of the con-
ditional purchase lease, and thereafter
until

Crown Lands (Amendment).

until the expiration of the second fifteen-year period thereof or the sooner termination of the lease shall be as determined by the local land board, and the rent for the third and final period of ten years or portion, if any, thereof shall be determined in the like manner.

- 5
- 10 (b) by omitting from section one hundred and ten the words "The capital value for the period of the lease current at the date of the application for conversion shall be the purchase money payable in respect of the land" and by inserting in lieu thereof the words "Upon conversion of a conditional purchase lease into a conditional purchase or into a conditional purchase and conditional lease the price of the conditional purchase or the price at which land comprised in the conditional lease shall be convertible into an additional conditional purchase shall be the capital value of the conditional purchase lease for the period of the lease current at the date of the application for conversion."
- 15
- 20
- 25 (c) (i) by inserting in section sixty-one after the words "and to additional conditional purchase" the words "or conditional lease";
 (ii) by inserting in the same section after the words "conversion of" the words "the whole or part of";
- 30 (d) (i) by inserting in subsection one of section one hundred and thirteen after the words "being a conversion of" the words "the whole or part of";
 (ii) by inserting in the same subsection after the words "or an additional conditional purchase" wherever occurring the words "or conditional lease";
- 35
- 40 (iii) by inserting in the same subsection after the words "or conditional purchase" the words "or conditional lease";

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

Sec. 61.
 (A.C.P.L.)

Sec. 113 (1).
 (Additional
 holdings.)

Ibid.

(iv)

Crown Lands (Amendment).

- (iv) by inserting in subsection three of the same section after the words "being a conversion of" the words "the whole or part of";
- 5 (v) by inserting in the same subsection after *Ibid.* the words "additional conditional purchase" wherever occurring the words "or conditional lease";
- 10 (vi) by omitting subsection four of the same section;
- (vii) by inserting in subsection five of the same section after the words "or conditional purchase" wherever occurring the words "or conditional lease";
- 15 (viii) by inserting in the same subsection after the words "or an additional conditional purchase" the words "or conditional lease";
- 20 (ix) by inserting in the same subsection after the words "or additional conditional purchase" wherever occurring the words "or conditional lease";
- (x) by omitting from subsection six of the same section the words "being conversions and" and by inserting in lieu thereof the words "and conditional leases being conversions of"; and also by omitting the words "or additional conditional purchase" and by inserting in lieu thereof the words "additional conditional purchase or conditional lease."

(2) The Principal Act is further amended by inserting next after section one hundred and twenty-three the following new short heading and section :—

35 *Conversion of homestead farm into Crown lease.*

123A. (1) On application as prescribed the holder of a homestead farm applied for before the passing of the Crown Lands (Amendment) Act, 1927, may, with the approval of the Minister, convert the homestead farm into a Crown lease.

(2)

Crown Lands (Amendment).

5 (2) Conversion shall not be allowed except where the local land board after due inquiry certifies that the best practicable use of the land is for grazing, and that the area held by the applicant does not substantially exceed a home maintenance area.

10 (3) The Crown lease shall be subject to the general provisions of this Act relating to Crown leases, to any special conditions which attached to the homestead farm, and to such further special conditions as the Minister, on the recommendation of the local land board, may impose.

15 (4) The Crown lease shall terminate at the expiration of forty-five years from the date of the commencement of the title to the homestead farm, and shall, for the purpose of the division of the lease into periods, be deemed to have commenced at that date.

20 (5) Upon the conversion of any homestead farm under this section, unless the local land board upon reference by the Minister before the conversion is approved recommends that a higher rental shall be paid, the rent, as from the date of the application for conversion, for the remainder of the then current period shall be at the rate of one and one quarter per centum of the capital value, and for subsequent periods at such rate as may be determined by the local land board.

30 5. The Principal Act is further amended by adding at the end of paragraph (f) of subsection two of section one hundred and fourteen the following words:—"This paragraph shall not apply where the special lease was granted before the twenty-third day of December, one thousand nine hundred and twenty-four."

Amendment
of Act No. 7,
1913.
Sec. 114 (2)
(f).

35 6. The Principal Act is further amended—
(a) by omitting paragraph five of section two hundred and sixty and all words of that section, following that paragraph, and by inserting the following new paragraph:—

Further
amendment
of Act No. 7,
1913, ss. 260,
57, and 307.
(Conditional
leases.)

40 (5) An additional conditional purchase or a conditional lease shall not be transferred separately from the holding by virtue

Crown Lands (Amendment).

5 virtue of which it was applied for until
after the issue of the certificate that
all the conditions attaching to that
holding except that of the payment of
the balance of the purchase money have
been duly complied with.

- (b) by omitting paragraph (bA) of subsection one Sec. 57.
of section fifty-seven and by inserting in lieu
thereof the following new subsection :—

10 (bA) Where a conditional lease or part
thereof has been transferred or is held separately
from the holding in virtue of which it was
applied for the holder of the conditional lease
may convert the whole or part of the land
15 comprised in such conditional lease into a
conditional purchase.

- (c) by omitting paragraph (dA) of subsection one Sec. 307.
of section three hundred and seven and by
inserting in lieu thereof the following new
paragraph :—

20 (dA) Where a conditional lease or part
thereof has been transferred or is held separately
from the holding in virtue of which it was
applied for the holder of the conditional lease
25 may convert the whole or part of the land
comprised in such conditional lease into a
conditional purchase.

7. The Principal Act is further amended—

- 30 (a) by omitting from section two hundred and
sixty-two the words “an original and additional
homestead selection—unless subdivided or
exchanged in accordance with the respective
provisions in that behalf contained in this
Part—shall not be transferred apart or held
35 separately” ;
(b) by omitting subsection three of section two
hundred and sixty-three ;
(c) by omitting from section two hundred and
40 sixty-four the words “original and additional
conditional purchase leases and conditional
purchases (being conversions of conditional
purchase

Further
amendment
of Act No 7,
1913, ss. 262,
263, and 264.
(H.S., S.L.,
and C.P.L.)

Crown Lands (Amendment).

purchase leases) of the same series—unless subdivided or exchanged in accordance with the respective provisions in that behalf contained in this Part—shall not be transferred apart or held separately.”

8. The Principal Act is further amended—

- (a) (i) by inserting in section two hundred and fifty-seven after the words “homestead selection” where firstly and secondly occurring the words “homestead farm, Crown lease, conditional lease”;
- (ii) by omitting from the same section the words “and in the case of a homestead selection the homestead grant, if any, shall be surrendered and a separate homestead grant issued for each portion”;
- (iii) by inserting in the same section before the words “settlement lease” where thirdly occurring the words “Crown lease, conditional lease”;
- (iv) by omitting from the same section the words “grants and”;
- (v) by inserting at the end of the same section after the words “may approve” the following words:—

Farther
amendment
of Act No. 7,
1913, ss. 257,
258.
(Subdivision.)

“In the case of a subdivision of a homestead grant or a perpetual lease grant the consent of the Minister 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.

Where the consent is registered 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.

A certificate of title issued for portion of a homestead grant shall expressly refer to the grant; to section ninety-three of this

Crown Lands (Amendment).

5 this Act and also to section two hundred and seventy-two of this Act if that section affected the grant—and a certificate of title for portion of a perpetual lease grant shall expressly refer to the grant and to section two hundred and seventy-four of this Act.

10 A certificate of title issued by virtue of this section shall be subject to the conditions of the grant and to the provisions of the sections of this Act which are referred to in the certificate and to the provisions of this Act to which the grant would have been subject had the sub-
15 division not been effected."

(b) by inserting in section two hundred and fifty-
eight after the words "homestead selection" Sec. 258.
wherever occurring the words "homestead farm, Crown lease, conditional lease";

20 (c) (i) by inserting in subsection four of section
two hundred and sixty-five after the words Sec. 265.
"transfers by way of mortgage but" the words "subject to this section";

25 (ii) by inserting in the same subsection after the words "shall be valid for any purpose whatsoever" the words :—

30 "Where the consent of the Minister to the subdivision of a grant has been registered the restrictions set out in subsections two and three of this section shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

35 Such consent 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."

*Crown Lands (Amendment).***9.** The Principal Act is further amended—

Further amend-
ment of
Act No. 7, 1913.
(Administrative
and Miscel-
laneous.)

- 5 (a) by omitting, except from section two, the words "the Land Appeal Court" wherever occurring and by inserting in lieu thereof the words "the Land and Valuation Court";
- (b) by omitting from the definition of Crown- Sec. 5.
lease in section five the words "within an area set apart for that kind of holding";
- 10 (c) (i) by inserting in section thirteen after the Sec. 13.
words "local land board" wherever occurring the words "or chairman";
(ii) by inserting in the same section after the words "such board's" the words "or chairman's";
- 15 (d) by inserting at the end of section fifteen the Sec. 15.
following new paragraph:—
The chairman while acting in pursuance of the provisions of this section shall have all the powers of a local land board.
- 20 (e) by omitting from subsection two of section Sec. 16 (2).
sixteen the words "with the chairman" wherever occurring and by inserting in lieu thereof the words "with the district surveyor";
- 25 (f) (i) by inserting in section seventeen after the Sec. 17.
words "local land board" wherever occurring the words "or chairman";
(ii) by inserting in subsection two of the same section before the words "may deem necessary" the words "or he";
- 30 (g) (i) by omitting from section nineteen the word Sec. 19.
"chairman" wherever occurring and by inserting in lieu thereof the words "district surveyor";
(ii) by inserting in the same section after the
- 35 words "local land board" wherever occurring the words "or chairman";
- (h) (i) by inserting in section twenty after the Sec. 20.
words "local land board" wherever occurring the words "or chairman";
- 40 (ii) by inserting in the same section before the words "duty according to law" the words "or his";
(i)

Crown Lands (Amendment).

- (i) by inserting in section twenty-two after the words "local land board" the words "or chairman"; Sec. 22.
- 5 (j) by omitting from subsection three of section twenty-three the words "three months" and by inserting in lieu thereof the words "one month"; Sec. 23 (3).
- 10 (k) (i) by inserting in subsection two of section thirty-seven after the words "valid in law" the words "and shall take effect from the date of such publication or from a later date to be specified in the regulations"; Sec. 37.
- 15 (ii) by inserting in the same subsection after the word "fourteen" wherever occurring the word "sitting";
- 20 (iii) by adding at the end of the same section the words "If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect";
- 25 (l) by omitting from section forty-five the words "Upon receipt from the Crown land agent of any application for a conditional purchase or a conditional lease the chairman of the local land board may refer the same to the district surveyor" and by inserting in lieu thereof the words "Upon receipt by the Crown land agent of any application for a conditional purchase or conditional lease he shall refer the same to the district surveyor"; Sec. 45.
- 30 (m) by inserting in subsection one of section fifty-seven after the words and figures "Forestry Act, 1909" the words and figures "the Forestry Act, 1916, or any Act amending or replacing the same"; Sec. 57 (1).
- 35 (n) by inserting in subsection two of section fifty-nine after the words "which are within" the words "the boundaries of cities towns or villages or within"; Sec. 59 (2).
- 40 (o)

Crown Lands (Amendment).

- 5 (o) (i) by inserting in section seventy-four after Sec. 74.
the words "floating docks" the words "or
for any purpose declared by the Minister
by notification published in the Gazette to
be a purpose under this section";
- (ii) by inserting in the same section after the
words "or floating dock" the words "or
for any other purpose";
- 10 (p) by omitting from paragraph six of section Sec. 7.
seventy-seven the word "grant" and by insert-
ing in lieu thereof the word "selection";
- (q) by omitting from paragraph five of section Sec. 82.
eighty-two the word "grant" and by inserting
in lieu thereof the word "selection";
- 15 (r) by inserting in subsection four of section Sec. 85 (4).
eighty-five after the words and figures "the
Forestry Act, 1909" the words and figures
"or the Forestry Act, 1916, or any Act
amending or replacing the same Acts";
- 20 (s) by omitting the proviso to subsection four Sec. 118A (4).
of section 118A and inserting in lieu thereof
the words "Provided that all moneys due
to the Crown at the date of such issue have
been paid and that the local land board shall
25 have previously issued its certificate that all
conditions attaching to the additional home-
stead farm (other than payment of such
moneys) have been duly complied with";
- 30 (t) by inserting in subsection two of section one Sec. 123 (2).
hundred and twenty-three—
(i) after the words "all the conditions"
the words "other than payment of
moneys due to the Crown";
- 35 (ii) after the words "the Governor" the
words "upon payment of all such
moneys";
- (u) (i) by inserting in subsection two of section Sec. 128.
one hundred and twenty-eight after the
words "all conditions" the words "other
40 than payment of moneys due to the
Crown"; (ii)

Crown Lands (Amendment).

- (ii) by inserting in subsection two of the same section after the words "the Governor" the words "upon payment of all such moneys";
- 5 (iii) by inserting in section one hundred and twenty-eight the following new subsection:—
- (3) The grant for an additional suburban holding may, upon application by the holder thereof, be issued at any time after the issue of the grant for the original suburban holding, notwithstanding that five years may not have elapsed after the granting of the application for the additional suburban holding:
- 10 Provided that all moneys due to the Crown at the date of such issue have been paid, and that the local land board shall have previously issued its certificate that all conditions attaching to the additional suburban holding (other than payment of such moneys) have been duly fulfilled.
- 20 (v) by inserting at the end of paragraph (k) of section 129B the following words: "but shall not apply to the subdivision of a grant where the Minister so certifies in the prescribed form. Upon the issue of such certificate any subdivided parts of the holding may be transferred or otherwise dealt with without recourse to this subsection";
- 30 (w) by omitting from subsection one of section one hundred and fifty-two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";
- 35 (x) (i) by inserting in section 161A after the words "classified area" the words "or within an area set apart as a special area in pursuance of section fifty-nine";
- 40 (ii) by inserting in the short heading preceding the same section after the word "classified" the words "or special";

(y)

Crown Lands (Amendment).

- (y) by inserting in subsection one of section one hundred and ninety before the word "into" the words "or any two or more of such holdings if adjoining";
- 5 (z) (i) insert the words and figures :—
by inserting in subsection one of section one hundred and ninety-three after the word "holder" where first occurring the words "at the commencement of the Crown Lands (Amendment) Act, 1927";
- 10 (ii) by inserting in the same subsection after the words "seventy-three hereof" the words "or the original lessee of any such lease granted after the commencement of the Crown Lands (Amendment) Act, 1927";
- 15 (iii) by inserting at the end of section one hundred and ninety-three the following new subsection :—
(4) The provisions of section one hundred and fifty-four shall, mutatis mutandis, apply and shall be deemed to have applied to any application made in pursuance of this section whether the lease in respect of which the application is made was granted before or after the commencement of the Crown Lands (Amendment) Act, 1927.
- 20 (iv) by omitting from the short heading preceding the same section the word "grant" and by inserting in lieu thereof the word "selection";
- 25 (aa) by omitting from subsection one of section two hundred and two the words "to the chairman" and by inserting in lieu thereof the words "to the district surveyor";
- 30 (bb) (i) by omitting from section two hundred and forty-eight the words "declarations required by the Crown Lands Acts may be made before the Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales"
- 35 (ii)
- 40

Sec. 190 (1)

Sec. 193.

Sec. 202 (1).

Sec. 248.

Crown Lands (Amendment).

(ii) by inserting in the same section the following new subsections:—

(2) Declarations required by the Crown Lands Acts may be made— cf. Conveyancing Act, 1919, s. 162.

5 (a) in any place in the State of New South Wales before a Crown land agent or any justice of the peace or commissioner for taking affidavits for the State of New South Wales or

10 notary public or other person having authority to administer an oath in New South Wales;

15 (b) in any place out of the said State in which there is a local statutory provision enabling statutory declarations to be made for use in such place then under and in pursuance of such provision;

20 (c) in any place out of the said State in which there is not any such statutory provision then under and in pursuance of the Imperial Act entitled the "Statutory Declarations Act, 1835," or any other Imperial Act in that behalf.

25 (3) The provisions of sections twenty-one, twenty-five, and 26A of the Oaths Act, 1900, shall apply to declarations made under this section.

30 (4) Any person before whom any declaration under this section is made shall state in the attestation thereof at what place and on what date the declaration was made.

(cc) by omitting from subsection one of section two hundred and sixty-five the words "and before giving such consent the Minister shall be satisfied that all conditions attaching to such lease or all conditions (except the payment of balance of purchase money) attaching to such purchase have so far been and are being duly complied with";

35

40

(dd)

Crown Lands (Amendment).

- (dd) by inserting at the end of subsection one of section three hundred and seven after the words and figures "Forestry Act, 1909" the words and figures "or the Forestry Act, 1916, or any Act amending or replacing the same";
- 5 (ee) (i) by omitting the word "fifteen-year" from subsection one of section one hundred and thirteen, and from subsections four, five, and (5A) of section one hundred and eighty-three;
- 10 (ii) by omitting the word "fifteen-year" where firstly occurring in subsection eight of section one hundred and ninety;
- 15 (iii) by omitting the word "fifteen-year" wherever occurring in section three hundred and thirty-seven.
- (ff) by inserting at the end of sections fifty-three and one hundred and twenty-three the following words:—"For the purpose of ascertaining to what extent any condition of improvement has been complied with the local land board upon application by the holder and on payment of the prescribed fee may hold an inquiry and issue a certificate in the prescribed form."
- 20
- 25 **10.** Any area of land which prior to the commencement of this Act has been declared by notification in the Gazette to be reserved from sale pending survey or determination of the portion to be set apart for the public purpose specified in the notification, shall, if the notification has not been revoked, be deemed to have been temporarily reserved from sale for such public purpose as from the date of such notification.
- 30
- 11.** (1) The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby
- 35 repealed.
- (2) The Crown Lands and Closer Settlement (Amending) Act, 1924, is amended—
- (a) by omitting from subsection two of section four the words "in pursuance of this section";
- 40 (b) (i) by omitting from subsection one of section five the word "section" and by inserting in lieu thereof the word "Act";
- (ii)

Validation
of certain
notifications.

Repeals.
Schedule.

Amendment
of Act No. 52,
1924.

Sec. 4 (2).

Sec. 5 (1).

Crown Lands (Amendment).

(ii) by inserting in subsection two of the same section after the words "irrigation area" the words "or is land acquired under the Closer Settlement Acts."

5 (3) Section four of the Crown Lands (Amendment) Act, 1917, is amended as from the passing of that Act by inserting in the amendment of section two hundred and sixty, subsection two, after the word "first" the words "where secondly occurring."

Sec. 5 (2).
Amendment
of Act No. 27,
1917, s. 4.

10

SCHEDULE.

Sec. 11.

No. of Act.	Short Title.	Extent of repeal.
15	1914 No. 10 ... Crown Lands and Irrigation (Amendment) Act, 1914.	Section two so far as it amended— (a) Section one hundred and thirty-eight; (b) section one hundred and forty-three; and (c) subsection two of section two hundred and seventy-three of the Crown Lands Consolidation Act, 1913;
20		
25	1916 No. 29 ... Crown Lands (Amendment) Act, 1916.	(a) subsection one of section three; (b) subsection one of section four; (c) section twenty-two and the short heading preceding that section;
30		(d) so much of section twenty-four as amended sections one hundred and six, one hundred and twenty, one hundred and thirty-two, and one hundred and eighty-six, and as added paragraph (ba) to section fifty-seven and paragraph (da) to section three hundred and seven of the Crown Lands Consolidation Act, 1913;
35		
40		

SCHEDULE

*Crown Lands (Amendment).*SCHEDULE—*continued.*

No. of Act.	Short Title.	Extent of repeal.
5	1916 No. 29 ... Crown Lands (Amendment) Act, 1916— <i>continued.</i>	(e) so much of section twenty-four as amended section one hundred and twenty-seven of the Crown Lands Consolidation Act, 1913, by adding a proviso after the words "in the Gazette."
10	1916 No. 66 ... Crown Lands Further Amend- ment Act, 1916.	Section three so far as it amended section three of the Crown Lands Amendment Act, 1916.
15	1917 No. 27 ... Crown Lands (Amendment) Act, 1917.	(a) So much of section four as amended section seventy-five of the Crown Lands Consolidation Act, 1913, by omitting the words "three hundred and twenty" and inserting the words "one thousand nine hundred and twenty"; (b) so much of section four as amended sections ninety-four, one hundred and six, one hundred and twenty, one hundred and twenty-seven, one hundred and thirty-two, and one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913.
20		
25		
30		
	1918 No. 38 ... Irrigation (Amend- ment) Act, 1918.	Paragraphs (ii), (iii), (iv), (v), (vi), (vii), (viii), (x), (xiii), and (xiv) of section six.
35	1919 No. 44 ... Crown Lands (Amendment) Act, 1919.	So much of section two as amended section one hundred and six of the Crown Lands Consolidation Act, 1913.