

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 15, 1927.

An Act to enable the conversion of certain holdings in the Western Division into holdings under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; to enable the acceptance of surrender of portion of the area included in a Western Lands lease; to make further provisions for the withdrawal of lands from Western Lands leases; to amend the Western Lands Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 17th February, 1927.]

(B)

A

BE

Western Lands (Amendment).

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 "Western Lands (Amendment) Act, 1927."

Amendment of Act No. 70, 1901.

2. The Western Lands Act of 1901 is amended by inserting next after section twenty-four the following new section:—

New s. 24A.

Lands may be set apart for agriculture, &c.

24A. In the notification declaring any Crown lands open for lease under the provisions of section twenty-four of this Act the Minister may if he thinks fit notify that such lands are set apart for agriculture or for agriculture and grazing combined.

Further amendment of Act No. 70, 1901.

3. The Western Lands Act of 1901 is further amended as follows:—

New s. 23B.

(a) by inserting at the end of Part VII the following new section:—

Conversion of lease.

28B. (1) The holder of a lease which is not liable to forfeiture of any lands which have been or may be declared open for lease for agriculture or for agriculture and grazing combined may in the prescribed manner apply to 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; or
- (c) a homestead farm.

(2) The provisions of section one hundred and eighty-three of the Crown Lands Consolidation Act, 1913, so far as they are modified by the Western Lands (Amendment) Act, 1927, shall mutatis mutandis apply to applications and to holdings converted under this section.

(3)

Western Lands (Amendment).

(3) The term of any conditional lease into which a portion of a lease under the Western Lands Acts has been converted shall expire on the thirtieth day of June, one thousand nine hundred and forty-three.

The price of a conditional purchase or the capital value of a homestead farm into which a lease under the Western Lands Acts has been converted under this section shall be determined by the Western Land Board at the time of conversion.

(4) The rent of a conditional lease into which any portion of a lease under the Western Lands Acts has been converted shall for the full period thereof be also determined by the Western Land Board.

(5) If an applicant is dissatisfied with the determination of the board as to the capital value of a holding converted under this section he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the board.

(6) On confirmation of an application for conversion under this section the lease under the Western Lands Acts shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.

(7) Holdings into which Western Lands leases have been converted under this section shall subject to this section be governed by the general provisions and conditions of the Crown Lands Acts relating to the class of holding applied for.

(b) by inserting next after section thirty-three the New s. 33A, following new section:—

33A. The Minister on the recommendation Surrender of the Commissioners may accept a surrender of any portion of a lease issued under the Western Lands Acts.

(c)

Western Lands (Amendment).

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(c) by inserting in section thirty-four after the words "Crown Lands Acts" the words "or Western Lands Acts."

Amendment
of Act No. 15,
1918.

New s. 9.

Power to
withdraw.

4. The Western Lands (Amendment) Act, 1918, is amended by omitting section nine and by inserting in lieu thereof the following new section:—

9. The Governor may withdraw the whole or any part of the land comprised in any Western Lands lease in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within and used in conjunction with such lease or part.

Upon publication in the Gazette of such withdrawal or acquisition the lessee shall be entitled as compensation to the market value of his interest in the lease of the land so withdrawn together with the market value of such freehold portions. In determining the market value of the interest in a lease such value shall be based entirely upon the market value of the land for pastoral or grazing purposes and no consideration whatever shall be given to the suitability of the land for purposes of agriculture.

Where part only of the land comprised in a lease is withdrawn, the lessee shall be further entitled to compensation for damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.

Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the Western Lands lease.

5. (1) The Western Lands (Amendment) Act of 1905 is amended as follows:—

(a) by inserting immediately before the letter and brackets "(a)" in section seven the figures "11"; and by omitting from paragraph (b) of

Amendment of
Act No. 33, 1905.
(Amendments
to enable more
complete
incorporation.)
Sec. 7.

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of the same section the words "section eleven of the Principal Act" and by inserting in lieu thereof the words "this section"; and by omitting from the same paragraph the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "section eleven" and by inserting in lieu thereof the words "this section"; and by omitting from paragraph (d) of the same section the words "the said section" and by inserting in lieu thereof the words "this section"; and by omitting the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";

(b) by inserting at the commencement of section eleven the following words: "The Principal Act is amended by inserting next after section seventeen the following new section 17A"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";

(c) by inserting at the commencement of section thirteen the following words: "The Principal Act is amended by inserting next after section eighteen the following new section 18A"; and by omitting from the section the words "this Act" wherever occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";

(d) by inserting at the commencement of section fourteen the following words: "The Principal Act is amended by inserting after section 18A the following new section 18B";

(e) by inserting at the commencement of section fifteen the following words: "The Principal Act is amended by inserting after section 18B the following new section 18C";

(f)

Western Lands (Amendment).

- . 16. (f) by inserting at the commencement of section sixteen the following words: "The Principal Act is amended by inserting after section 18c the following new section 18D"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";
- cc. 71. (g) by omitting from paragraph (b) of section seventeen the words "this Act" and by inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "this Act" where firstly occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "the Principal or"; and by omitting from paragraph (c) of the same section the words "the Principal Act" and inserting in lieu thereof the words "this Act";
- Sec. 25. (h) by inserting in section twenty-five before the words "Notwithstanding anything" the figures and letter "28A"; and by omitting from the section the words "the Principal" where they firstly and thirdly occur and inserting in lieu thereof the word "this"; and by omitting from the section the words "the Principal" where they secondly occur;
- Sec. 26. (i) by omitting from section twenty-six the words "the Principal" and by inserting in lieu thereof the word "this";
- Sec. 27. (j) by inserting at the commencement of section twenty-seven the following words: "The Principal Act is amended by inserting next after section twenty-nine the following new section 29A";
- Sec. 28. (k) by inserting at the commencement of section twenty-eight the following words: "The
Principal

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Principal Act is amended by inserting next after section 29A the following new section 29B”;

(1) by inserting at the commencement of section Sec. 29. twenty-nine the following words: “The Principal Act is amended by inserting next after section thirty-one the following new section 31A”; and by omitting from the section the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”; and by omitting from the section the words “or the Principal.”

(2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands (Amendment) Act of 1905, as amended by subsequent Acts, may be renumbered sections 35A to 35I and reprinted as Part IXA of the Western Lands Act of 1901 with the following modifications:—

- (a) omit the words “the Principal or” from section thirty-four;
- (b) omit the words “the Principal Acts” from section forty and insert in lieu thereof the words “this Act.”

(3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, as amended by subsequent Acts, may be reprinted in the Western Lands Act of 1901 as sections thirty-seven to forty-five inclusive, with the following modifications:—

- (a) in section two: In lieu of the words “the Western Lands Act of 1901” there shall be printed the words “this Act”;
- (b) in section five: In lieu of the word “eight” there shall be printed the word “forty-three”;
- (c) in section eight:—
 - (i) in lieu of the word “four” there shall be printed the word “thirty-nine”;
 - (ii) in lieu of the word “six” there shall be printed the word “forty-one”;
 - (iii)

Western Lands (Amendment).

(iii) in lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act."

(4) Paragraph (f) of section eight of the Land and Valuation Court Act, 1921, is amended by omitting the words "ten of the Western Lands (Amendment) Act, 1918" and by inserting in lieu thereof the words "forty-five of the Western Lands Act of 1901."

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By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1927.

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, 9 February, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 15, 1927.

An Act to enable the conversion of certain holdings in the Western Division into holdings under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; to enable the acceptance of surrender of portion of the area included in a Western Lands lease; to make further provisions for the withdrawal of lands from Western Lands leases; to amend the Western Lands Act, 1901, and certain other Acts; and for purposes connected therewith. [Assented to, 17th February, 1927.]

BE

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.

Western Lands (Amendment).

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 "Western Lands (Amendment) Act, 1927."

Amendment of Act No. 70, 1901.

New s. 24A.

Lands may be set apart for agriculture, &c.

2. The Western Lands Act of 1901 is amended by inserting next after section twenty-four the following new section :—

24A. In the notification declaring any Crown lands open for lease under the provisions of section twenty-four of this Act the Minister may if he thinks fit notify that such lands are set apart for agriculture or for agriculture and grazing combined.

Further amendment of Act No. 70, 1901.

New s. 28B.

Conversion of lease.

3. The Western Lands Act of 1901 is further amended as follows :—

(a) by inserting at the end of Part VII the following new section :—

28B. (1) The holder of a lease which is not liable to forfeiture of any lands which have been or may be declared open for lease for agriculture or for agriculture and grazing combined may in the prescribed manner apply to 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 ; or
- (c) a homestead farm.

(2) The provisions of section one hundred and eighty-three of the Crown Lands Consolidation Act, 1913, so far as they are modified by the Western Lands (Amendment) Act, 1927, shall *mutatis mutandis* apply to applications and to holdings converted under this section.

(3)

Western Lands (Amendment).

(3) The term of any conditional lease into which a portion of a lease under the Western Lands Acts has been converted shall expire on the thirtieth day of June, one thousand nine hundred and forty-three.

The price of a conditional purchase or the capital value of a homestead farm into which a lease under the Western Lands Acts has been converted under this section shall be determined by the Western Land Board at the time of conversion.

(4) The rent of a conditional lease into which any portion of a lease under the Western Lands Acts has been converted shall for the full period thereof be also determined by the Western Land Board.

(5) If an applicant is dissatisfied with the determination of the board as to the capital value of a holding converted under this section he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the board.

(6) On confirmation of an application for conversion under this section the lease under the Western Lands Acts shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.

(7) Holdings into which Western Lands leases have been converted under this section shall subject to this section be governed by the general provisions and conditions of the Crown Lands Acts relating to the class of holding applied for.

- (b) by inserting next after section thirty-three the New s. 33A. following new section:—

33A. The Minister on the recommendation Surrender. of the Commissioners may accept a surrender of any portion of a lease issued under the Western Lands Acts.

(c)

Western Lands (Amendment).

Sec. 34.

(c) by inserting in section thirty-four after the words "Crown Lands Acts" the words "or Western Lands Acts."

Amendment
of Act No. 15,
1918.

New s. 9.

Power to
withdraw.

4. The Western Lands (Amendment) Act, 1918, is amended by omitting section nine and by inserting in lieu thereof the following new section:—

9. The Governor may withdraw the whole or any part of the land comprised in any Western Lands lease in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within and used in conjunction with such lease or part.

Upon publication in the Gazette of such withdrawal or acquisition the lessee shall be entitled as compensation to the market value of his interest in the lease of the land so withdrawn together with the market value of such freehold portions. In determining the market value of the interest in a lease such value shall be based entirely upon the market value of the land for pastoral or grazing purposes and no consideration whatever shall be given to the suitability of the land for purposes of agriculture.

Where part only of the land comprised in a lease is withdrawn, the lessee shall be further entitled to compensation for damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.

Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the Western Lands lease.

Amendment of
Act No. 38, 1905.
(Amendments
to enable more
complete
incorporation.)
Sec. 7.

5. (1) The Western Lands (Amendment) Act of 1905 is amended as follows:—

(a) by inserting immediately before the letter and brackets "(a)" in section seven the figures "11"; and by omitting from paragraph (b) of

Western Lands (Amendment).

of the same section the words "section eleven of the Principal Act" and by inserting in lieu thereof the words "this section"; and by omitting from the same paragraph the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "section eleven" and by inserting in lieu thereof the words "this section"; and by omitting from paragraph (d) of the same section the words "the said section" and by inserting in lieu thereof the words "this section"; and by omitting the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";

- (b) by inserting at the commencement of section Sec. 11. eleven the following words: "The Principal Act is amended by inserting next after section seventeen the following new section 17A"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";
- (c) by inserting at the commencement of section Sec. 13. thirteen the following words: "The Principal Act is amended by inserting next after section eighteen the following new section 18A"; and by omitting from the section the words "this Act" wherever occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";
- (d) by inserting at the commencement of section Sec. 14. fourteen the following words: "The Principal Act is amended by inserting after section 18A the following new section 18B";
- (e) by inserting at the commencement of section Sec. 15. fifteen the following words: "The Principal Act is amended by inserting after section 18B the following new section 18C";

(f)

Western Lands (Amendment).

- Sec. 16. (f) by inserting at the commencement of section sixteen the following words: "The Principal Act is amended by inserting after section 18c the following new section 18D"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";
- Sec. 17. (g) by omitting from paragraph (b) of section seventeen the words "this Act" and by inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "this Act" where firstly occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "the Principal or"; and by omitting from paragraph (c) of the same section the words "the Principal Act" and inserting in lieu thereof the words "this Act";
- Sec. 25. (h) by inserting in section twenty-five before the words "Notwithstanding anything" the figures and letter "28A"; and by omitting from the section the words "the Principal" where they firstly and thirdly occur and inserting in lieu thereof the word "this"; and by omitting from the section the words "the Principal" where they secondly occur;
- Sec. 26. (i) by omitting from section twenty-six the words "the Principal" and by inserting in lieu thereof the word "this";
- Sec. 27. (j) by inserting at the commencement of section twenty-seven the following words: "The Principal Act is amended by inserting next after section twenty-nine the following new section 29A";
- Sec. 28. (k) by inserting at the commencement of section twenty-eight the following words: "The
Principal

Western Lands (Amendment).

Principal Act is amended by inserting next after section 29A the following new section 29B”;

- (1) by inserting at the commencement of section Sec. 29. twenty-nine the following words: “The Principal Act is amended by inserting next after section thirty-one the following new section 31A” ; and by omitting from the section the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905” ; and by omitting from the section the words “or the Principal.”
- (2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands (Amendment) Act of 1905, as amended by subsequent Acts, may be renumbered sections 35A to 35I and reprinted as Part IXA of the Western Lands Act of 1901 with the following modifications :—
 - (a) omit the words “the Principal or” from section thirty-four;
 - (b) omit the words “the Principal Acts” from section forty and insert in lieu thereof the words “this Act.”
- (3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, as amended by subsequent Acts, may be reprinted in the Western Lands Act of 1901 as sections thirty-seven to forty-five inclusive, with the following modifications :—
 - (a) in section two: In lieu of the words “the Western Lands Act of 1901” there shall be printed the words “this Act” ;
 - (b) in section five: In lieu of the word “eight” there shall be printed the word “forty-three” ;
 - (c) in section eight :—
 - (i) in lieu of the word “four” there shall be printed the word “thirty-nine” ;
 - (ii) in lieu of the word “six” there shall be printed the word “forty-one” ;
 - (iii)

Act No. 15,
1918, ss. 2-10.

Western Lands (Amendment).

(iii) in lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act."

(4) Paragraph (f) of section eight of the Land and Valuation Court Act, 1921, is amended by omitting the words "ten of the Western Lands (Amendment) Act, 1918" and by inserting in lieu thereof the words "forty-five of the Western Lands Act of 1901."

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

D. R. S. DE CHAIR,
Governor.

*Government House,
Sydney, 17th February, 1927.*

WESTERN LANDS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 8th February, 1927.

Page 4, clause 4, line 16. *Omit* all the words after "acquisition" *insert* "the lessee
" shall be entitled as compensation to the market value of his interest in
" the lease of the land so withdrawn together with the market value of
" such freehold portions. In determining the market value of the
" interest in a lease such value shall be based entirely upon the market
" value of the land for pastoral or grazing purposes and no consideration
" whatever shall be given to the suitability of the land for the purposes
" of agriculture."

Page 5. *Omit* clause 5 and *insert* new clause 5.

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, 28 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, 8th February, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to enable the conversion of certain holdings in the Western Division into holdings under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; to enable the acceptance of surrender of portion of the area included in a Western Lands lease; to make further provisions for the withdrawal of lands from Western Lands leases; to amend the Western Lands Act, 1901, and certain other Acts; and for purposes connected therewith.

Western Lands (Amendment).

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 "Western Lands Short title. (Amendment) Act, 1927."

2. The Western Lands Act of 1901 is amended by inserting next after section twenty-four the following new section:—

Amendment of Act No. 70, 1901.

New s. 24A.

24A. In the notification declaring any Crown lands open for lease under the provisions of section twenty-four of this Act the Minister may if he thinks fit notify that such lands are set apart for agriculture or for agriculture and grazing combined.

Lands may be set apart for agriculture, &c.

3. The Western Lands Act of 1901 is further amended as follows:—

Further amendment of Act No. 70, 1901.

(a) by inserting at the end of Part VII the following new section:—

New s. 28B.

28B. (1) The holder of a lease which is not liable to forfeiture of any lands which have been or may be declared open for lease for agriculture or for agriculture and grazing combined may in the prescribed manner apply to convert such lease into—

Conversion of lease.

- (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; or
- (c) a homestead farm.

(2) The provisions of section one hundred and eighty-three of the Crown Lands Consolidation Act, 1913, so far as they are modified by the Western Lands (Amendment) Act, 1927, shall mutatis mutandis apply to applications and to holdings converted under this section.

(3)

Western Lands (Amendment).

(3) The term of any conditional lease into which a portion of a lease under the Western Lands Acts has been converted shall expire on the thirtieth day of June, one thousand nine hundred and forty-three.

The price of a conditional purchase or the capital value of a homestead farm into which a lease under the Western Lands Acts has been converted under this section shall be determined by the Western Land Board at the time of conversion.

(4) The rent of a conditional lease into which any portion of a lease under the Western Lands Acts has been converted shall for the full period thereof be also determined by the Western Land Board.

(5) If an applicant is dissatisfied with the determination of the board as to the capital value of a holding converted under this section he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the board.

(6) On confirmation of an application for conversion under this section the lease under the Western Lands Acts shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.

(7) Holdings into which Western Lands leases have been converted under this section shall subject to this section be governed by the general provisions and conditions of the Crown Lands Acts relating to the class of holding applied for.

(b) by inserting next after section thirty-three the New s. 33A. following new section:—

33A. The Minister on the recommendation Surrender. of the Commissioners may accept a surrender of any portion of a lease issued under the Western Lands Acts.

(c)

Western Lands (Amendment).

(c) by inserting in section thirty-four after the words "Crown Lands Acts" the words "or Western Lands Acts."

4. The Western Lands (Amendment) Act, 1918, is amended by omitting section nine and by inserting in lieu thereof the following new section :—

Amendment
of Act No. 15,
1918.

New s. 9.

Power to
withdraw.

9. The Governor may withdraw the whole or any part of the land comprised in any Western Lands lease in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within and used in conjunction with such lease or part.

Upon publication in the Gazette of such withdrawal or acquisition ~~the measure of compensation~~ to which the lessee shall be entitled for his interest in the lease or part so withdrawn shall be the value of the residue of the term of the lease (so far as it has been withdrawn) to the person who was the holder thereof at the date of the notification of the withdrawal in the Gazette together with the value of the improvements on the land, having regard to the conditions of the lease and particularly—

- (a) the profits earned by the holder of the lease from the use of the land;
- (b) the improvements on the land in respect of which the holder of the lease has or has not tenant right.

For any freehold lands acquired under this section the lessee shall be entitled to compensation on the basis of the market value of such freeholds. the lessee shall be entitled as compensation to the market value of his interest in the lease of the land so withdrawn together with the market value of such freehold portions. In determining the market value of the interest in a lease such value shall be based entirely upon the market value of the land for pastoral or grazing purposes and no consideration whatever shall be given to the suitability of the land for the purposes of agriculture.

Where

Western Lands (Amendment).

Where part only of the land comprised in a lease is withdrawn, the lessee shall be further entitled to compensation for damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.

Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the Western Lands lease.

5. (1) The Western Lands (Amendment) Act of 1905 is amended as follows:—

- (a) by inserting at the commencement of section eleven the following words: "The Principal Act is amended by inserting next after section seventeen the following new section 17A";
- (b) by inserting at the commencement of section thirteen the following words: "The Principal Act is amended by inserting next after section eighteen the following new section 18A";
- (c) by inserting at the commencement of section fourteen the following words: "The Principal Act is amended by inserting after section 18A the following new section 18B";
- (d) by inserting at the commencement of section fifteen the following words: "The Principal Act is amended by inserting after section 18B the following new section 18C";
- (e) by inserting at the commencement of section sixteen the following words: "The Principal Act is amended by inserting after section 18C the following new section 18D";
- (f) by inserting in section twenty-five before the words "Notwithstanding anything" the figures and letter "28A";
- (g) by inserting at the commencement of section twenty-seven the following words: "The Principal Act is amended by inserting next after section twenty-nine the following new section 29A";

Amendment of Act No. 38, 1905.

(Amendments to enable more complete incorporation.)

See-11.

See-13.

See-14.

See-15.

See-16.

See-25.

See-27.

(h)

Western Lands (Amendment).

- (h) by inserting at the commencement of section twenty-eight the following words: "The Principal Act is amended by inserting next after section 29A the following new section 29B";
- 5 (i) by inserting at the commencement of section twenty-nine the following words: "The Principal Act is amended by inserting next after section thirty-one the following new section 31A."
- 10 (2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands Amendment Act of 1905, as amended by subsequent Acts, may be renumbered sections 35A to 35I and reprinted as Part IXA of the
- 15 Western Lands Act of 1901.
- (3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, may be reprinted in the Western Lands Act of 1901 as sections thirty-
- 20 seven to forty-five inclusive with the following modifications: that in lieu of the words "the Western Lands Act of 1901" occurring in sections two and eight there shall be printed the words "this Act."

Sec. 28.

Sec. 29.

Secs. 32-40.

Act No. 15,
1918, s. 2-10.

5. (1) The Western Lands (Amendment) Act of 1905

- 25 is amended as follows:—
- (a) by inserting immediately before the letter and brackets "(a)" in section seven the figures "11"; and by omitting from paragraph (b) of the same section the words "section eleven of the Principal Act" and by inserting in lieu thereof the words "this section"; and by omitting from the same paragraph the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "section eleven" and by inserting in lieu thereof the words "this section"; and by omitting from paragraph (d) of the same section the words "the said section" and by inserting in lieu thereof the words "this section"; and by omitting the words "this
- 30
- 35
- 40
- "Act"

Amendment of
Act No. 38, 1905.
(Amendments
to enable
more
complete
incorpora-
tion.)
Sec. 7.

Western Lands (Amendment).

- Act" and inserting in lieu thereof the words
 "the Western Lands (Amendment) Act of
 1905";
- 5 (b) by inserting at the commencement of section Sec. 11.
 eleven the following words: "The Principal
 Act is amended by inserting next after section
 seventeen the following new section 17A";
 and by omitting from the section the words
 10 "this Act" and inserting in lieu thereof the
 words "the Western Lands (Amendment) Act
 of 1905";
- (c) by inserting at the commencement of section Sec. 13.
 thirteen the following words: "The Principal
 15 Act is amended by inserting next after section
 eighteen the following new section 18A"; and
 by omitting from the section the words "this
 Act" wherever occurring and inserting in lieu
 thereof the words "the Western Lands
 (Amendment) Act of 1905";
- 20 (d) by inserting at the commencement of section Sec. 14.
 fourteen the following words: "The Principal
 Act is amended by inserting after section 18A
 the following new section 18B";
- (e) by inserting at the commencement of section Sec. 15.
 25 fifteen the following words: "The Principal
 Act is amended by inserting after section 18B
 the following new section 18C";
- (f) by inserting at the commencement of section Sec. 16.
 30 sixteen the following words: "The Principal
 Act is amended by inserting after section 18C
 the following new section 18D"; and by
 omitting from the section the words "this
 Act" and inserting in lieu thereof the words
 35 "the Western Lands (Amendment) Act of
 1905";
- (g) by omitting from paragraph (b) of section Sec. 17.
 40 seventeen the words "this Act" and by insert-
 ing in lieu thereof the words "the Western
 Lands (Amendment) Act of 1905"; and by
 omitting from paragraph (c) of the same
 section the words "this Act" where firstly
 occurring

Western Lands (Amendment).

- 5 occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "the Principal or"; and by omitting from paragraph (c) of the same section the words "the Principal Act" and inserting in lieu thereof the words "this Act";
- 10 (h) by inserting in section twenty-five before the words "Notwithstanding anything" the figures and letter "28A"; and by omitting from the section the words "the Principal" where they firstly and thirdly occur and inserting in lieu thereof the word "this"; and by omitting from the section the words "the Principal" where they secondly occur;
- 15 (i) by omitting from section twenty-six the words "the Principal" and by inserting in lieu thereof the word "this";
- 20 (j) by inserting at the commencement of section twenty-seven the following words: "The Principal Act is amended by inserting next after section twenty-nine the following new section 29A";
- 25 (k) by inserting at the commencement of section twenty-eight the following words: "The Principal Act is amended by inserting next after section 29A the following new section 29B";
- 30 (l) by inserting at the commencement of section twenty-nine the following words: "The Principal Act is amended by inserting next after section thirty-one the following new section 31A"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from the section the words "or the Principal."
- 35 (2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands Amendment Act of 1905, as amended

Western Lands (Amendment).

amended by subsequent Acts, may be renumbered sections 35A to 35I and reprinted as Part IXA of the Western Lands Act of 1901 with the following modifications:—

- 5 (a) omit the words "the Principal or" from section thirty-four;
- (b) omit the words "the Principal Acts" from section forty and insert in lieu thereof the words "this Act."
- 10 (3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, as amended by subsequent Acts, may be reprinted in the Western Lands Act of 1901 as sections thirty-seven to forty-five
15 inclusive, with the following modifications:—
- (a) in section two: In lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act";
- 20 (b) in section five: In lieu of the word "eight" there shall be printed the word "forty-three";
- (c) in section eight:—
- (i) in lieu of the word "four" there shall be printed the word "thirty-nine";
- (ii) in lieu of the word "six" there shall be printed the word "forty-one";
- 25 (iii) in lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act."
- (4) Paragraph (f) of section eight of the Land and
30 Valuation Court Act, 1921, is amended by omitting the words "ten of the Western Lands (Amendment) Act, 1918" and by inserting in lieu thereof the words "forty-five of the Western Lands Act of 1901."

Act No. 15,
1918, ss. 2-10.

Western Lands (Amendment) Act, 1901

amended by subsequent Acts, may be renumbered section 35, and reprinted as Part IX of the Western Lands Act of 1901 with the following modifications:

(a) omit the words "the Principal Act" from

section thirty four;

(b) omit the words "the Principal Act" from

section forty and insert in their stead the

words "this Act";

(c) for the purpose of the Amendment Act of 1901, sections two to ten inclusive of the Western Lands Act of 1901, as amended

by subsequent Acts, may be reprinted in the Western

Lands Act of 1901 as sections thirty seven to forty five

inclusive with the following modifications:

(i) in section thirty seven of the words "the

Western Lands Act of 1901" there shall be

printed the words "this Act";

(ii) in section thirty eight of the words "eighty

three" shall be printed the word "forty three";

(iii) in section thirty nine of the words "there shall

be printed the word "thirty nine";

(iv) in section forty of the word "six" there shall

be printed the word "four";

(v) in section forty one of the words "the Western

Lands Act of 1901" there shall be

printed the words "this Act";

(vi) in section forty two of the words "the Western

Lands Act of 1901" there shall be

printed the words "this Act";

(vii) in section forty three of the words "the Western

Lands Act of 1901" there shall be

printed the words "this Act";

(viii) in section forty four of the words "the Western

Lands Act of 1901" there shall be

printed the words "this Act";

(ix) in section forty five of the words "the Western

Lands Act of 1901" there shall be

printed the words "this Act";

1927.

Legislative Council.

THE WESTERN LANDS (AMENDMENT) BILL.

(Amendments to be moved in Committee of the Whole.)

Page 5, clause 5. *Omit the clause and insert the following clause in lieu thereof:—*

5. (1) The Western Lands (Amendment) Act of 1905 is amended as follows:—

Amendment of
Act No. 38, 1905.

(a) by inserting immediately before the letter and brackets "(a)" in section seven the figures "11"; and by omitting from paragraph (b) of the same section the words "section eleven of the Principal Act" and by inserting in lieu thereof the words "this section"; and by omitting from the same paragraph the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "section eleven" and by inserting in lieu thereof the words "this section"; and by omitting from paragraph (d) of the same section the words "the said section" and by inserting in lieu thereof the words "this section"; and by omitting the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";

(Amend-
ments to
enable more
complete
incorpora-
tion.)
Sec. 7.

(b) by inserting at the commencement of section eleven the following words: "The Principal Act is amended by inserting next after section seventeen the following new section 17A"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";

Sec. 11.

- (c) by inserting at the commencement of section Sec. 13. thirteen the following words: "The Principal Act is amended by inserting next after section eighteen the following new section 18A"; and by omitting from the section the words "this Act" wherever occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";
- (d) by inserting at the commencement of section Sec. 14. fourteen the following words: "The Principal Act is amended by inserting after section 18A the following new section 18B";
- (e) by inserting at the commencement of section Sec. 15. fifteen the following words: "The Principal Act is amended by inserting after section 18B the following new section 18C";
- (f) by inserting at the commencement of section Sec. 16. sixteen the following words: "The Principal Act is amended by inserting after section 18C the following new section 18D"; and by omitting from the section the words "this Act" and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905";
- (g) by omitting from paragraph (b) of section Sec. 17. seventeen the words "this Act" and by inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "this Act" where firstly occurring and inserting in lieu thereof the words "the Western Lands (Amendment) Act of 1905"; and by omitting from paragraph (c) of the same section the words "the Principal or"; and by omitting from paragraph (c) of the same section the words "the Principal Act" and inserting in lieu thereof the words "this Act";
- (h) by inserting in section twenty-five before the Sec. 25. words "Notwithstanding anything" the figures and letter "28A"; and by omitting from the section the words "The Principal" where they firstly and thirdly occur and inserting in lieu thereof the word "this"; and by omitting from the section the words "the Principal" where they secondly occur;

- (i) by omitting from section twenty-six the words Sec. 26.
“the Principal” and by inserting in lieu thereof the word “this”;
 - (j) by inserting at the commencement of section Sec. 27.
twenty-seven the following words: “The Principal Act is amended by inserting next after section twenty-nine the following new section 29A”;
 - (k) by inserting at the commencement of section Sec. 28.
twenty-eight the following words: “The Principal Act is amended by inserting next after section 29A the following new section 29B”;
 - (l) by inserting at the commencement of section Sec. 29.
twenty-nine the following words: “The Principal Act is amended by inserting next after section thirty-one the following new section 31A”; and by omitting from the section the words “this Act” and inserting in lieu thereof the words “the Western Lands (Amendment) Act of 1905”; and by omitting from the section the words “or the Principal.”
- (2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands Amendment Act of 1905, as amended by subsequent Acts, may be renumbered sections 35A to 35I and reprinted as Part IXA of the Western Lands Act of 1901 with the following modifications:— Secs. 32-40
- (a) omit the words “the Principal or” from section thirty-four;
 - (b) omit the words “the Principal Acts” from section forty and insert in lieu thereof the words “this Act.”
- (3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, as amended by subsequent Acts, may be reprinted in the Western Lands Act of 1901 as sections thirty-seven to forty-five inclusive, with the following modifications:— Act No. 15, 1918, ss. 2-10
- (a) in section two: In lieu of the words “the Western Lands Act of 1901” there shall be printed the words “this Act”;
 - (b) in section five: In lieu of the word “eight” there shall be printed the word “forty-three”;

(c) in section eight :—

- (i) in lieu of the word "four" there shall be printed the word "thirty-nine";
- (ii) in lieu of the word "six" there shall be printed the word "forty-one";
- (iii) in lieu of the words "the Western Lands Act of 1901" there shall be printed the words "this Act."

(4) Paragraph (f) of section eight of the Land and Valuation Court Act, 1921, is amended by omitting the words "ten of the Western Lands (Amendment) Act, 1918" and by inserting in lieu thereof the words "forty-five of the Western Lands Act of 1901."

*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, 28 January, 1927.

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to enable the conversion of certain holdings in the Western Division into holdings under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; to enable the acceptance of surrender of portion of the area included in a Western Lands lease; to make further provisions for the withdrawal of lands from Western Lands leases; to amend the Western Lands Act, 1901, and certain other Acts; and for purposes connected therewith.

Western Lands (Amendment).

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

1. This Act may be cited as the “Western Lands Short title.
(Amendment) Act, 1927.”

2. The Western Lands Act of 1901 is amended by Amendment
of Act No. 70,
1901. inserting next after section twenty-four the following
10 new section :—

24A. In the notification declaring any Crown New s. 24A.
Lands may be
set apart for
agriculture,
&c. lands open for lease under the provisions of section
twenty-four of this Act the Minister may if he
15 thinks fit notify that such lands are set apart for
agriculture or for agriculture and grazing combined.

3. The Western Lands Act of 1901 is further Further
amendment of
Act No. 70, 1901. amended as follows :—

(a) by inserting at the end of Part VII the New s. 28B.
following new section :—

20 **28B.** (1) The holder of a lease which is not Conversion
of lease. liable to forfeiture of any lands which have
been or may be declared open for lease for
agriculture or for agriculture and grazing
combined may in the prescribed manner apply
25 to convert such lease into—

- (a) a conditional purchase ;
- (b) a conditional purchase and conditional
30 lease, but so that the area of the con-
ditional lease shall not exceed three
times the area of the conditional
purchase ; or
- (c) a homestead farm.

35 (2) The provisions of section one
hundred and eighty-three of the Crown Lands
Consolidation Act, 1913, so far as they are
modified by the Western Lands (Amendment)
Act, 1927, shall mutatis mutandis apply to
applications and to holdings converted under
this section.

(3)

Western Lands (Amendment).

5 (3) The term of any conditional lease into which a portion of a lease under the Western Lands Acts has been converted shall expire on the thirtieth day of June, one thousand nine hundred and forty-three.

10 The price of a conditional purchase or the capital value of a homestead farm into which a lease under the Western Lands Acts has been converted under this section shall be determined by the Western Land Board at the time of conversion.

15 (4) The rent of a conditional lease into which any portion of a lease under the Western Lands Acts has been converted shall for the full period thereof be also determined by the Western Land Board.

20 (5) If an applicant is dissatisfied with the determination of the board as to the capital value of a holding converted under this section he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the board.

25 (6) On confirmation of an application for conversion under this section the lease under the Western Lands Acts shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.

30 (7) Holdings into which Western Lands leases have been converted under this section shall subject to this section be governed by the general provisions and conditions of the Crown Lands Acts relating to the class of holding applied for.

35 (b) by inserting next after section thirty-three the New s. 33A. following new section:—

40 33A. The Minister on the recommendation Surrender of the Commissioners may accept a surrender of any portion of a lease issued under the Western Lands Acts.

(c)

Western Lands (Amendment).

(c) by inserting in section thirty-four after the words "Crown Lands Acts" the words "or Western Lands Acts."

4. The Western Lands (Amendment) Act, 1918, is amended by omitting section nine and by inserting in lieu thereof the following new section :—

9. The Governor may withdraw the whole or any part of the land comprised in any Western Lands lease in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within and used in conjunction with such lease or part.

Upon publication in the Gazette of such withdrawal or acquisition the measure of compensation to which the lessee shall be entitled for his interest in the lease or part so withdrawn shall be the value of the residue of the term of the lease (so far as it has been withdrawn) to the person who was the holder thereof at the date of the notification of the withdrawal in the Gazette together with the value of the improvements on the land, having regard to the conditions of the lease and particularly—

- (a) the profits earned by the holder of the lease from the use of the land;
- (b) the improvements on the land in respect of which the holder of the lease has or has not tenant right.

For any freehold lands acquired under this section the lessee shall be entitled to compensation on the basis of the market value of such freeholds.

Where part only of the land comprised in a lease is withdrawn, the lessee shall be further entitled to compensation for damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.

Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within

Amendment
of Act No. 15,
1918.

New s. 9.

Power to
withdraw.

Western Lands (Amendment).

within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the Western Lands lease.

5 1905 is amended as follows:—

- (a) by inserting at the commencement of section eleven the following words: "The Principal Act is amended by inserting next after section seventeen the following new section 17A";
- 10 (b) by inserting at the commencement of section thirteen the following words: "The Principal Act is amended by inserting next after section eighteen the following new section 18A";
- 15 (c) by inserting at the commencement of section fourteen the following words: "The Principal Act is amended by inserting after section 18A the following new section 18B";
- (d) by inserting at the commencement of section fifteen the following words: "The Principal Act is amended by inserting after section 18B the following new section 18C";
- 20 (e) by inserting at the commencement of section sixteen the following words: "The Principal Act is amended by inserting after section 18C the following new section 18D";
- 25 (f) by inserting in section twenty-five before the words "Notwithstanding anything" the figures and letter "28A";
- (g) by inserting at the commencement of section twenty-seven the following words: "The Principal Act is amended by inserting next after section twenty-nine the following new section 29A";
- 30 (h) by inserting at the commencement of section twenty-eight the following words: "The Principal Act is amended by inserting next after section 29A the following new section 29B";
- 35 (i) by inserting at the commencement of section twenty-nine the following words: "The Principal Act is amended by inserting next after section thirty-one the following new section 31A."
- 40

Amendment of Act No. 38, 1905.

(Amendments to enable more complete incorporation.) Sec. 11.

Sec. 13.

Sec. 14.

Sec. 15.

Sec. 16.

Sec. 25.

Sec. 27.

Sec. 28.

Sec. 29.

(2)

Western Lands (Amendment).

(2) For the purposes of the Amendments Incorporation Act, 1906, sections thirty-two to forty inclusive of the Western Lands Amendment Act of 1905, as amended by subsequent Acts, may be renumbered 5 sections 35A to 35I and reprinted as Part IXA of the Western Lands Act of 1901. Secs. 32-40.

(3) For the purposes of the Amendments Incorporation Act, 1906, sections two to ten inclusive of the Western Lands (Amendment) Act, 1918, may be reprinted 10 in the Western Lands Act of 1901 as sections thirty-seven to forty-five inclusive with the following modifications: that in lieu of the words "the Western Lands Act of 1901" occurring in sections two and eight there shall be printed the words "this Act." Act No. 15,
1918, ss. 2-10.

WESTERN LANDS (AMENDMENT) BILL, 1927.

SPECIAL NOTE:-

The Acts which are being amended by this Bill are the Western Lands Act of 1901 (Act No. 70, 1901), the Western Lands (Amendment) Act of 1905 (Act No. 38, 1905), and the Western Lands (Amendment) Act, 1918 (Act No. 15, 1918).

The existing law, so far as it is affected by this Bill, is shown in black type.

The additions proposed to be made in the law are shown in red type.

The words proposed to be omitted are ruled through.

1. This Act may be cited as the "Western Lands (Amendment) Act, 1927".

Short
Title.

WESTERN LANDS ACT OF 1901.

24. The Minister may, by giving thirty days' notice in the Government Gazette, declare Crown lands in the Western Division open for lease under the provisions of this Act, and such notification shall contain particulars as to the situation, area, rent, value of improvements, if any, upon such land, and shall also specify a period within which applications for leases may be lodged: Provided that the Minister on the report of the Commissioners may in like manner at any time withdraw such notification, and provided that applications may be made at any time after the period notified in the Gazette in cases where the land is not under lease or promise of lease.

Notice in
Gazette.

24A. In the notification declaring any Crown lands open for lease under the provisions of section twenty-four of this Act the Minister may if he thinks fit notify that such lands are set apart for agriculture or for agriculture and grazing combined.

Lands may be
set apart
for agric-
ulture, &c..

WESTERN LANDS (AMENDMENT)
ACT OF 1905.

25. The following section is inserted after section twenty-eight of the Principal Act, namely :-

Special
leases may
be granted.

25. Notwithstanding anything in Part VII of the Principal Act contained, the Governor may, on the report of the Commissioners, lease by auction or otherwise any Crown lands, or lands held under occupation license or annual lease, or lands under any lake, river, creek, or lands resumed, withdrawn or surrendered under the provisions of the Crown Lands Acts, the Principal or this Act, for any purpose declared by the Governor, by proclamation in the Gazette, to be a special purpose within this section; but no lands held under occupation license or annual lease shall be leased under this section for grazing purposes only unless with the consent of the occupation licensee or annual lessee.

Any such lease shall be for a term, to expire not later than the thirtieth day of June, one thousand nine hundred and forty-three, of such area, at such annual rental, or at such upset rental, where any such land is let by auction - the provisions of section nineteen of the Principal Act to the contrary notwithstanding - and on such terms, conditions, and

Term of
special
lease.

/reservations.

reservations, and subject to such provisions as the Minister, after report by the Commissioners, may recommend.

The term of any special lease granted under the Crown Lands Acts may, on application, be extended under the provisions of this Act for any period up to the thirtieth day of June, one thousand nine hundred and forty-three. Where such extension has been granted, the lessee shall surrender his present lease, if any, and a new lease shall be issued to him from the date of such surrender upon such terms and conditions and for such period and for such rental, the provisions of section nineteen notwithstanding, as the Minister may, after report by the Commissioners, think fit.

Extension
of special
lease
granted
under the
Crown Lands
Acts.

If it should appear to the satisfaction of the Governor that the land comprised in any special lease is not used and occupied bona fide for the purpose for which the same has been made, or that default has been made in any condition, he may declare such lease forfeited, together with any improvements erected on the land and any rent paid in respect thereof.

Forfeiture
for non-
compliance
with con-
ditions on
special
leases.

25A. (1) The holder of a lease which is not liable to forfeiture of any lands which have been or may be declared open for lease for agriculture or for agriculture and grazing combined may in the prescribed manner apply to convert such lease into -

Conversion
of lease.

- (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; or
- (c) a homestead farm.

(2) The provisions of section one hundred and eighty-three of the Crown Lands Consolidation Act, 1913, so far as they are modified by the Western Lands (Amendment) Act, 1927, shall mutatis mutandis apply to applications and to holdings converted under this section.

(3) The term of any conditional lease into which a portion of a lease under the Western Lands Acts has been converted shall expire on the thirtieth day of June, one thousand nine hundred and forty-three.

The price of a conditional purchase or the capital value of a homestead farm into which a lease under the Western Lands Acts has been converted under this section shall be determined by the board at the time of conversion.

(4) The rent of a conditional lease into which any portion of a lease under the Western Lands Acts has been converted shall for the full period thereof be also determined by the Western Land Board.

(5) If an applicant is dissatisfied with the determination of the board as to the capital value of a holding converted under this section he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the board.

(6) On confirmation of an application for conversion under this section the lease under the Western Lands Acts shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.

(7) Holdings into which Western Lands leases have been converted under this section shall subject to this section be governed by the general provisions and conditions of the Crown Lands Acts relating to the class of holding applied for.

33. Thirty days after the notification of approval of the issue of a lease, or upon the sale of lands held under occupation license or preferential occupation license or annual lease, the holder's right of occupation or lease of the area sold or leased shall cease, but he shall be entitled to a refund of so much of the license fee or rent paid in advance, and to such reduction in future rent, calculated from the date of such withdrawal, as is proportionate to the area withdrawn.

Termination
of annual
lease or
license.

33A. The Minister on the recommendation of the Commissioners may accept a surrender of any portion of a lease issued under the Western Lands Acts.

Surrender

34. The Minister may, after report by the Commissioners, by notice in the Gazette, add any forfeited homestead selection or grant, conditional purchase, or any lease or lands surrendered under the provisions of the Crown Lands Acts or Western Lands Acts to any adjoining lease, license, purchase, homestead selection, or grant, upon such conditions as to rent, license fee, value of improvements, or purchase money, as may be determined, or such forfeited or surrendered lands may be leased under the provisions of the Principal or this Act.

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WESTERN LANDS (AMENDMENT) ACT, 1918.

Withdrawal of land from lease.

~~9. The Governor may withdraw the whole or any part of the land comprised in any western lands lease and situated within the land district of Walgett North in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within, and used in conjunction with such lease. Upon publication in the Gazette of such withdrawal or acquisition the lessee shall be entitled as compensation to the market value of his interest in the lease of the land so withdrawn together with the market value of such freehold portions. Where part only of the land comprised in a lease is withdrawn the lessee shall be further entitled to compensation for any damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.~~

~~Power to
withdraw
from lease.~~

~~Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the western lands lease.~~

9. The Governor may withdraw the whole or any part of the land comprised in any Western Lands lease in any case in which in his opinion such land is required for the purpose of settlement, and in connection with such withdrawal shall acquire any freehold portions owned by the lessee and situated within and used in conjunction with such lease or part.

Power to
withdraw
from
lease.

Upon publication in the Gazette of such withdrawal or acquisition the measure of such compensation to which the lessee shall be entitled for his interest in the lease or part so withdrawn shall be the value of the residue of the term of the lease (so far as it has been withdrawn) to the person who was the holder thereof at the date of the notification of the withdrawal in the Gazette together with the value of the improvements on the land, having regard to the conditions of the lease and particularly -

- (a) the profits earned by the holder of the lease from the use of the land;
- (b) the improvements on the land in respect of which the holder of the lease has or has not tenant right.

For any freehold lands acquired under this section the lessee shall be entitled to compensation on the basis of the market value of such freeholds.

/ Where part

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Where part only of the land comprised in a lease is withdrawn, the lessee shall be further entitled to compensation for damage caused to the residue of such land by severance. The amount of compensation shall be determined by the Commissioners.

Unless otherwise agreed to, the lessee shall be allowed not less than six months from the date of the publication in the Gazette of the withdrawal within which to remove his stock and plant from the land so withdrawn, and shall pay rent at the same rate per acre as under the Western Lands lease.

10. The Minister or the lessee if dissatisfied with the determination of the commissioners may appeal as prescribed, and such appeal shall be heard by a district court judge appointed for the purpose by the Governor.

Appeal

(NOTE: The Land and Valuation Court has been substituted - under the Land and Valuation Court Act, 1921 - for the Court of Appeal referred to in the foregoing Section 10.)
