

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.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 8 May, 1930.

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

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 15th May, 1930.

New South Wales.

WESTERN LANDS (AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of 15th May, 1930.

Page 2, clause 2, line 33. *Omit "may" insert "shall"*
Page 4, clause 2, line 16. *Omit "twelve" insert "nine"*

An Act to provide for the extension of the terms of leases of land in the Western Division in certain cases and upon certain conditions; to provide for the surrender of freehold lands in certain cases; to protect the interests of the Crown in the case of the withdrawal of areas from leases enhanced in value by the construction of public works; and for these and other purposes to amend the Western Lands Act of 1901 and certain other Acts; and for purposes connected therewith.

16733

171—A

BE

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

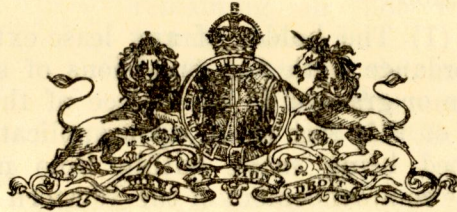
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 8 May, 1930.

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

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 15th May, 1930.

New South Wales.



ANNO VICESIMO PRIMO

GEORGI V REGIS.

Act No. , 1930.

An Act to provide for the extension of the terms of leases of land in the Western Division in certain cases and upon certain conditions; to provide for the surrender of freehold lands in certain cases; to protect the interests of the Crown in the case of the withdrawal of areas from leases enhanced in value by the construction of public works; and for these and other purposes to amend the Western Lands Act of 1901 and certain other Acts; and for purposes connected therewith.

16733

171—A

BE

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

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, 1930," and shall be read and con-
strued with the Western Lands Act of 1901, as amended
by subsequent Acts, which Act as so amended is in this
10 Act referred to as the Principal Act.

2. The Principal Act is amended—

Amendment of
Act No. 70, 1901.
New s. 17B.

(a) by inserting next after section 17A the following
new section:—

15 17B. (1) The holder of any lease extended
in accordance with the provisions of section
fourteen or granted in pursuance of the pro-
visions of this Act shall, upon application as
prescribed being made within nine months
from the commencement of the Western Lands
20 (Amendment) Act, 1930, be entitled to an
extension of the term of such lease to the
thirtieth day of June, one thousand nine
hundred and sixty-eight, and any lease
granted after the said commencement shall
25 terminate on the same date.

Further
extension
of leases.

(2) Any lease so extended shall be
subject to the general conditions and pro-
visions of this Act except as provided in this
section.

30 (3) Any lease so extended shall be
subject to the following conditions:—

(a) From the area held under lease by any
holder the Governor ~~may~~ **shall** on the
35 recommendation of the Commissioners
from time to time withdraw land for the
purpose of providing for settlement.

(b) Except as otherwise provided in this
section the portions of the area held
under lease which **may** be so withdrawn
and

Western Lands (Amendment).

and the periods within which such withdrawals may be effected shall be as follows :—

- 5 One-eighth of the area in not less than eight years and—
 a further one-seventh of the area then remaining in not less than thirteen years and—
 10 a further one-sixth of the area then remaining in not less than eighteen years and—
 a further one-fifth of the area then remaining in not less than twenty-three years
 15 from the date of the commencement of the Western Lands (Amendment) Act, 1930.

(c) the lease or any subdivided portion thereof shall not be transferred without the consent of the Minister being first obtained.

(4) The provisions of paragraph (b) of subsection three of this section shall not apply to leases within the tract described in Schedule C of this Act, but the granting of an extension of a lease within that tract shall be subject to the following condition as to the withdrawal of portions of the area from the lease, for the purposes of settlement :—

- 30 One-eighth of the area in not less than one year and—
 a further one-seventh of the area then remaining in not less than six years and—
 35 a further one-sixth of the area then remaining in not less than fifteen years and—
 a further one-fifth of the area then remaining in not less than twenty years
 from the date of the commencement of the Western Lands (Amendment) Act,
 40 1930.

(5)

Western Lands (Amendment).

(5) Every such portion of an area withdrawn shall, unless the lessee otherwise consents, be in one block and no compensation shall be paid in respect of any such withdrawal.

5 (6) No such withdrawal shall be made which would in the opinion of the Commissioners have the effect of reducing the carrying capacity of the area held, when
10 reasonably improved, below the under-mentioned standards :—

(a) within the tract described in Schedule C of this Act—four thousand sheep ;

(b) outside the tract described in Schedule C of this Act—six thousand sheep.

15 (7) If the holder does not within the said period of ~~twelve~~ **nine** months after the commencement of the Western Lands
20 (Amendment) Act, 1930, apply for an extension of the term of his lease, his existing lease shall remain in full force and effect subject in all respects to the law in force immediately prior to such commencement.

25 (8) Where two or more leases, whether adjoining or not, are held in the same interest and are, in the opinion of the Commissioners, reasonably capable of being worked as one holding, the total area of such leases shall be the area from which withdrawals may
30 be made under this section, and the withdrawal may be made from any one or more of such leases.

35 (9) Upon a withdrawal of land from lease under this section, the rent for the remainder of the current period of the lease shall be reduced in proportion to the area withdrawn, and any rent paid in advance shall be adjusted on the same basis.

After any such withdrawal the land so withdrawn, until otherwise disposed of, shall remain

Western Lands (Amendment).

remain under preferential occupation license to the lessee at the same rent per acre as the lease from which the land was withdrawn.

5 (10) All lands withdrawn from lease under this section may be disposed of under the general provisions of this Act, but no lease thereof shall be granted for a term extending beyond the thirtieth day of June, one thousand nine hundred and sixty-eight.

10 (11) Where any lease is subject to mortgage the mortgagee's consent to an application under this section shall be obtained prior to the lodgment thereof.

15 (12) Where the term of any lease has been extended under this section the instrument of lease shall be lodged at the office of the Western Land Board in order that the period of extension and a reference to the conditions under which such extension has been granted may be endorsed thereon.

20 (13) Upon any such withdrawal of an area the lessee shall be entitled to tenant-right in improvements on the lands so withdrawn.

25 (14) The holder of any lease extended under the provisions of this section may within the last seven years of the term of his lease request the Minister to notify him whether the Minister is willing to offer him an extended lease of the whole or any part of his land where such whole or part does not, in the opinion of the Commissioners, substantially exceed a home maintenance area, and if so for what term, at what rent, and on what conditions.

35 When such a request is made the Minister may, on the recommendation of the Commissioners, offer an extended lease of such whole or part for a term not exceeding twenty years from the termination of the existing lease at such rent and upon such conditions as may be deemed proper, and notify the lessee of his determination.
40 If

Western Lands (Amendment).

5 If the Minister notifies the applicant that he is willing to offer him an extended lease of the whole or any part of his land, the notification shall be deemed to be an offer of an extended lease on the terms notified, and may be accepted by the applicant at any time before the expiration of the lease, but within one year from the time when the Minister notifies him of the offer.

10 (15) The provision contained in section seventeen that the Governor shall add to the remainder of the lease such term as may be considered reasonable as compensation for a withdrawal shall not apply where a lease from
15 which one-eighth of the area has been withdrawn under the provisions of that section is extended under the provisions of this section.

20 (16) This section does not apply to or in respect of any lease granted under the provisions of section 28A or 28B.

(b) by inserting at the commencement of section Sec. 18.
eighteen the words "subject to the provisions (Duration
of section 17B of this Act"; of lease.

25 (c) by inserting next after Schedule B the following new Schedule:—

SCHEDULE C.

30 That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing on the boundary between the States of New South Wales and Queensland at the intersection of the twenty-ninth parallel of south latitude with the Barwon River; and bounded thence by that river and the Darling River downwards to the south-east corner of portion W.L. 434, parish of Briery, county of Narran; by the eastern
35 boundary of that portion and the eastern and northern boundaries of portion W.L. 432 to a west boundary of Boorooma Western Lands Lease 230; by western and northern boundaries of that lease generally northerly and easterly to the Narran River; by that river upwards to the easternmost corner of portion W.L. 522, parish of Wilby, county of Narran, being also a corner of Bangheet
40 Western Lands Lease 8; by south-west, north-west and north-east

Western Lands (Amendment).

north-east boundaries of that lease generally north-westerly, north-easterly and south-easterly to the Narran River; again by that river upwards to its intersection with the twenty-ninth parallel of south latitude, being part of the boundary between the States of New South Wales and Queensland; and by that boundary easterly to the Barwon River aforesaid at the point of commencement.

3. The Principal Act is further amended—

Further amendment of Act No. 70, 1901.

(a) by inserting next after section nineteen the following new section 19A :—

New s. 19A.

19A. (1) The rentals of all leases extended under the provisions of section 17B of this Act, and of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, shall be determined by the Commissioners—

Determination of rentals of leases extended or issued after passing of Western Lands (Amendment) Act, 1930.

(a) in the case of extended leases the rent shall be determined for each separate period of ten years commencing from the first day of July, one thousand nine hundred and thirty, and for a final period of eight years;

(b) in the cases of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, the rent shall be determined for each period of ten years, or if the term of the lease is less than fifteen years, the rent shall be determined for the full period of the lease :

Provided that where the unexpired portion of any lease from the commencement of any ten-year period is not more than fifteen years the annual rental shall be determined for such unexpired portion.

The provisions contained in paragraph (b) of this subsection shall not apply to leases granted under section 28A or 28B.

(2)

Western Lands (Amendment).

5 (2) The rent for any period shall not on appraisal or reappraisal be increased or decreased more than twenty-five per centum above or below the rent payable immediately prior to such appraisal or reappraisal.

(3) All rentals so determined shall be paid in advance on the prescribed date.
 (b) by inserting at the commencement of section Sec. 19. nineteen the following words: "Subject to the provisions of section 19A of this Act."

10 4. The Principal Act is further amended—

(a) by inserting next after section forty-four the following new sections:—

Further amendment of Act No. 70, 1901.
 New ss. 44A 44B.

15 44A. (1) If during the term or extended term of any lease any public work shall be executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty, and by reason thereof the value of such lease becomes enhanced, the lessee upon any withdrawal being effected under section 20 forty-four shall not be entitled to claim and the Commissioners shall not allow any compensation in respect of such enhanced value.

Enhancement due to public works.

25 (2) For the purpose of this subsection the Lachlan River (Wyangala) Water Conservation Scheme shall be deemed to be a public work executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty.

30 44B. If any lease within or partly within the boundaries of the tracts described in Schedules D and E of this Act is extended in accordance with the provisions of section 17B the Commissioners shall in any case where withdrawal is effected under the provisions of section 35 forty-four prior to the thirtieth day of June, one thousand nine hundred and forty-three, disregard any such extension and determine the market value of the lessee's interest in the lease as if no such extension had been granted.

Special provisions as to Wyangala and Canally areas.

40

(b)

Western Lands (Amendment).

(b) by inserting next after Schedule C the following new Schedules:—

SCHEDULE D.

5 That portion of the Western Division of the State of
New South Wales within the following boundaries:—Com-
mencing in the parish of Uranaway, county of Blaxland,
at the confluence of the Lachlan River and Willandra
Billabong; and bounded thence by Willandra Billabong
10 downwards to the south-east corner of portion H.L. 88.10,
county of Mossgiel; by part of the east boundary of that
portion northerly to a point east of the most easterly
north-east corner of portion H.L. 85.24; by a line west
and a north, an east and another north boundary of that
15 portion westerly, northerly and again westerly to an east
boundary of portion W.L. 856; by boundaries of that
portion and portion W.L. 857 northerly, north-westerly,
south-westerly and southerly to a north-western corner of
portion H.L. 85.24 aforesaid; by a west, a north, an east
and part of a north boundary of that portion to the
20 south-east corner of Western Lands Lease 1991; by the
east boundary of that lease and part of the east boundary
of Western Lands Lease 12 north to the south-east corner
of portion 9, parish of Gunnagia; by the south boundaries
of that portion and portions C.P.L. 29 and 28, and a line
25 west to a west boundary of Western Lands Lease 12 afore-
said; by part of that boundary northerly, a north, a west
and another north boundary of that lease east, north and
again east and a line east to a point south of the south-
east corner of portion 3, parish of Malagadery; by a line
30 north to the north-east corner of that portion; by a line
east to the south-eastern side of the surveyed road from
Roto to Mount Hope, county of Blaxland; by that side
of that road north-easterly to a point south of the south-
west corner of Western Lands Lease 760; by a line, the
35 west boundary of that lease and part of a west boundary of
Western Lands Lease 105 north to the surveyed track from
Merri Merriwa Public Watering-place to Gilgunnia; by
that track north-easterly to a point east of the north-east
corner of portion 3, parish of Merrimerrriwa; by a line east
40 to the east boundary of Western Lands Lease 105 afore-
said; by a line south-easterly to a point on a west bound-
ary of portion 4, parish of Coan, 111 chains 75 links
from the south-west corner of that portion; by part of a
west and the south boundary of that portion south and
45 east and a line south-easterly to the north-west corner of
Reserve 388 for temporary common at Mount Hope, noti-
fied 8th October, 1883; by the west, south, east and part
of the north boundary of that reserve south, east, north

171—B

and

Western Lands (Amendment).

and west to the east boundary of Western Lands Lease 1789; by part of that boundary and the north boundary of that lease north and west to the eastern side of the surveyed road from Mount Hope to Gilgunnia; by that side of that road northerly to the north-west corner of portion 16, parish of Mount Allen; by a line partly forming the north boundary of that portion east to the west boundary of portion W.L. 1347; by part of the west and part of the south boundary of that portion southerly and easterly to the north-west corner of Western Lands Lease 2053; by part of the west boundary of that lease southerly, a line partly forming the south-west boundary of portion P.W.P. 570 south-easterly, the south-east boundary of that portion north-easterly and a line east to the road from Nangerybone to Euabalong; by that road generally south-easterly to Booberoi Creek; by that creek south-westerly to its confluence with the Lachlan River; and by that river downwards to the point of commencement.

SCHEDULE E.

That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing at the confluence of the Murray and Murrumbidgee Rivers; and bounded thence by the latter river upwards to the north-west corner of portion 8 (rem.), parish of Windomal, county of Cairn; by south-west and south boundaries of that portion, and the south boundary of portion 23, parish of Benongal, to the west boundary of Western Lands Lease 3043; by part of that boundary of the portion to its south-west corner; by lines bearing south 11 minutes east 50 chains 20 links, south 14 minutes west 1 mile 10 chains, south 25 minutes west 30 chains, south 34 minutes west 1 mile 20 chains, and south 43 minutes west 48 chains 64 links to the left bank of Wee Wee Creek; by that creek upwards to the most northern north-east corner of portion W.L. 388, parish of Windomal; by the north boundary of that portion and portion W.L. 276 to the Murray River aforesaid; and thence by the boundary dividing the States of New South Wales and Victoria north-westerly to the point of commencement.

5. The Principal Act is further amended—

- (a) (i) by omitting from section thirteen the words "selection or";
- (ii) by omitting from the same section the words "pastoral, homestead, settlement, residential, special, artesian well, improvement or scrub lease, or a lease of inferior lands";
- (iii)

Further amendment of Act No. 70, 1901.

Sec. 13.

(Land may be brought within this Act.)

Western Lands (Amendment).

- (iii) by omitting the third paragraph of the same section and the proviso thereto inserted by the Western Lands (Amendment) Act of 1905 ;
- 5 (b) by omitting the proviso to section seventeen inserted by the Western Lands (Amendment) Act of 1905 ; Sec. 17. (Withdrawal for auction sale and small holdings.)
- (c) (i) by omitting from section eighteen the words "the preceding section" and by inserting in lieu thereof the words "section 10 seventeen" ; Sec. 18. (Duration of lease.)
- (ii) by inserting in paragraph two of the same section after the words "granted under" the words "section fourteen of" ;
- 15 (d) by omitting from section twenty-one the words "a revaluation of such lease or license or any part or parts thereof" and by inserting in lieu thereof the words "a redetermination of the rent of such lease or the fee payable on such license" ; Sec. 21. (Increased rentals in certain cases.)
- 20 (e) by omitting from section twenty-five the words "the previous section" and by inserting in lieu thereof the words "section twenty-four" ; Sec. 25. (Leases not applied for.)
- 25 (f) by omitting from section twenty-six the words "the two preceding sections" and by inserting in lieu thereof the words "sections twenty-four, 24A, and twenty-five" ; Sec. 26. (Application of lease.)
- 30 (g) (i) by omitting from section 28A the words "In Part VII of this Act" and by inserting in lieu thereof the words "in this Part" ; Sec. 28A. (Special leases.)
- (ii) by omitting from the same section wherever occurring the words "one thousand nine hundred and forty-three" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-eight" ;
- 35 (h) by inserting in section 28B after the words "agriculture and grazing combined" the words "or which has been granted for any such purpose" ;
- 40 (i) by omitting from section twenty-nine the words "new or extended" ; Sec. 29. (Improvements.)
- (j)

Western Lands (Amendment).

- (j) by inserting in section 29A after the words "Commissioners and" the word "if"; Sec. 29A.
(Correction.)
- 5 (k) (i) by omitting from section thirty-two the words "selection or"; Sec. 32.
(Extension of present areas.)
- (ii) by omitting from the same section the words "conditional, homestead, or other lease" and by inserting in lieu thereof the words "or of any lease";
- 10 (iii) by omitting paragraphs (a) and (c) of the same section;
- (l) by inserting at the end of section 33A the following new subsection:— Sec. 33A.
(Surrender.)
- (2) The Minister may also accept a surrender from a lessee of any of his freehold lands within the boundaries of or adjoining any lease without compensation.
- 15 When any such freehold has been surrendered, the owner of such freehold at date of surrender shall be entitled to tenant-right in all improvements upon the land so surrendered.
- 20 Any freehold land so surrendered shall become Crown lands subject to the provisions of this Act and shall be deemed to be included in the lease, but no rent shall be payable in respect of such land during the currency of the lease.
- 25 (m) by omitting section thirty-four; Sec. 34.
(Extended may be held.)
- 30 (n) (i) by inserting in section 35c after the words "Crown Lands Acts" the words "or Western Lands Acts"; Sec. 35c.
(Forfeited or surrendered lands may be added.)
- (ii) by omitting from the same section the words "selection or" wherever occurring;
- (o) by omitting section 35D; Sec. 35D.
(Withdrawals from pastoral lease.)
- 35 (p) by omitting section 35F; Sec. 35F.
(Rent on homestead selection.)
- (q) by omitting section 35H; Sec. 35H.
(Appraisalment.)
- (r)

Western Lands (Amendment).

- (r) (i) by omitting from section 35r the words Sec. 35r.
(Married women.) "homestead selection or settlement or homestead lease" and by inserting in lieu thereof the words "or homestead grant";
- 5 (ii) by omitting from the same section the words "and it shall be a sufficient compliance with this Act, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by
- 10 her husband; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead selection, or settlement lease held by
- 15 himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside";
- 20 (s) by omitting from section thirty-seven the Sec. 37.
(Surrender of lease.) words "in regard to which the right of withdrawal under section seventeen of this Act has been exercised."

25 **6.** The Acts mentioned in the Schedule to this Act Repeals.
Schedule. are to the extent therein indicated hereby repealed.

SCHEDULE.

Western Lands (Amendment).

SCHEDULE.

Sec. 6.

No. of Act.	Short Title.	Extent of Repeal.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraphs (e) and (f) of section eight.
5 1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (d) of section ten.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (c) of section thirty.
10 1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-five.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-seven.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-nine.
15 1927, No. 15	Western Lands (Amendment) Act of 1927.	Paragraph (c) of section three.

1930.

Legislative Council.

Western Lands (Amendment) Bill.

EXPLANATORY NOTE.

The Bill provides for—

- (a) the extension of the terms of leases in the Western Division in certain cases and upon certain conditions;
- (b) the determination of rentals of new and extended leases;
- (c) the extension of the provisions of the law relating to special leases in the Western Division;
- (d) the surrender of freehold lands in the Western Division in certain cases;
- (e) the protection of the interests of the Crown in the case of withdrawal of areas from leases in the Western Division enhanced in value by the construction of public works;
- (f) certain other amendments of an administrative or miscellaneous character.

1911

Executive Council

West Virginia State Constitution

ARTICLE IV

- The full power to
- (1) the full power to
 - (2) the full power to
 - (3) the full power to
 - (4) the full power to
 - (5) the full power to
 - (6) the full power to
 - (7) the full power to
 - (8) the full power to
 - (9) the full power to
 - (10) the full power to

*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.*

S. G. BOYDELL,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 May, 1930.*

New South Wales.



ANNO VICESIMO PRIMO

GEORGII V REGIS.

Act No. , 1930.

An Act to provide for the extension of the terms of leases of land in the Western Division in certain cases and upon certain conditions; to provide for the surrender of freehold lands in certain cases; to protect the interests of the Crown in the case of the withdrawal of areas from leases enhanced in value by the construction of public works; and for these and other purposes to amend the Western Lands Act of 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, 1930," and shall be read and con-
strued with the Western Lands Act of 1901, as amended
by subsequent Acts, which Act as so amended is in this
10 Act referred to as the Principal Act.

2. The Principal Act is amended—

(a) by inserting next after section 17A the following Amendment of
Act No. 70, 1901.
New s. 17B.
new section:—

15 17B. (1) The holder of any lease extended
in accordance with the provisions of section
fourteen or granted in pursuance of the pro- Further
extension
of leases.
visions of this Act shall, upon application as
prescribed being made within nine months
from the commencement of the Western Lands
20 (Amendment) Act, 1930, be entitled to an
extension of the term of such lease to the
thirtieth day of June, one thousand nine
hundred and sixty-eight, and any lease
granted after the said commencement shall
25 terminate on the same date.

(2) Any lease so extended shall be
subject to the general conditions and pro-
visions of this Act except as provided in this
section.

30 (3) Any lease so extended shall be
subject to the following conditions:—

(a) From the area held under lease by any
holder the Governor may on the recom-
mendation of the Commissioners from
35 time to time withdraw land for the
purpose of providing for settlement.

(b) Except as otherwise provided in this
section the portions of the area held
under lease which may be so withdrawn
and

Western Lands (Amendment).

and the periods within which such withdrawals may be effected shall be as follows :—

- 5 One-eighth of the area in not less than eight years and—
a further one-seventh of the area then remaining in not less than thirteen years and—
10 a further one-sixth of the area then remaining in not less than eighteen years and—
a further one-fifth of the area then remaining in not less than
15 twenty-three years
from the date of the commencement of the Western Lands (Amendment) Act, 1930.

- 20 (c) the lease or any subdivided portion thereof shall not be transferred without the consent of the Minister being first obtained.

- 25 (4) The provisions of paragraph (b) of subsection three of this section shall not apply to leases within the tract described in Schedule C of this Act, but the granting of an extension of a lease within that tract shall be subject to the following condition as to the withdrawal of portions of the area from the lease, for the purposes of settlement :—

- 30 One-eighth of the area in not less than one year and—
a further one-seventh of the area then remaining in not less than six years and—
35 a further one-sixth of the area then remaining in not less than fifteen years and—
a further one-fifth of the area then remaining in not less than twenty years
from the date of the commencement of the Western Lands (Amendment) Act,
40 1930.

Western Lands (Amendment).

(5) Every such portion of an area withdrawn shall, unless the lessee otherwise consents, be in one block and no compensation shall be paid in respect of any such withdrawal.

5 (6) No such withdrawal shall be made which would in the opinion of the Commissioners have the effect of reducing the carrying capacity of the area held, when reasonably improved, below the under-
10 mentioned standards :—

- (a) within the tract described in Schedule C of this Act—four thousand sheep ;
- (b) outside the tract described in Schedule C of this Act—six thousand sheep.

15 (7) If the holder does not within the said period of twelve months after the commencement of the Western Lands (Amendment) Act, 1930, apply for an
20 extension of the term of his lease, his existing lease shall remain in full force and effect subject in all respects to the law in force immediately prior to such commencement.

25 (8) Where two or more leases, whether adjoining or not, are held in the same interest and are, in the opinion of the Commissioners, reasonably capable of being worked as one holding, the total area of such leases shall be the area from which withdrawals may be made under this section, and the withdrawal
30 may be made from any one or more of such leases.

35 (9) Upon a withdrawal of land from lease under this section, the rent for the remainder of the current period of the lease shall be reduced in proportion to the area withdrawn, and any rent paid in advance shall be adjusted on the same basis.

After any such withdrawal the land so withdrawn, until otherwise disposed of, shall remain

Western Lands (Amendment).

remain under preferential occupation license to the lessee at the same rent per acre as the lease from which the land was withdrawn.

5 (10) All lands withdrawn from lease under this section may be disposed of under the general provisions of this Act, but no lease thereof shall be granted for a term extending beyond the thirtieth day of June, one thousand nine hundred and sixty-eight.

10 (11) Where any lease is subject to mortgage the mortgagee's consent to an application under this section shall be obtained prior to the lodgment thereof.

15 (12) Where the term of any lease has been extended under this section the instrument of lease shall be lodged at the office of the Western Land Board in order that the period of extension and a reference to the conditions under which such extension has
20 been granted may be endorsed thereon.

(13) Upon any such withdrawal of an area the lessee shall be entitled to tenant-right in improvements on the lands so withdrawn.

25 (14) The holder of any lease extended under the provisions of this section may within the last seven years of the term of his lease request the Minister to notify him whether the Minister is willing to offer him an extended lease of the whole or any part of his
30 land where such whole or part does not, in the opinion of the Commissioners, substantially exceed a home maintenance area, and if so for what term, at what rent, and on what conditions.

35 When such a request is made the Minister may, on the recommendation of the Commissioners, offer an extended lease of such whole or part for a term not exceeding twenty years from the termination of the existing lease at
40 such rent and upon such conditions as may be deemed proper, and notify the lessee of his determination. If

Western Lands (Amendment).

5 If the Minister notifies the applicant that he is willing to offer him an extended lease of the whole or any part of his land, the notification shall be deemed to be an offer of an extended lease on the terms notified, and may be accepted by the applicant at any time before the expiration of the lease, but within one year from the time when the Minister notifies him of the offer.

10 (15) The provision contained in section seventeen that the Governor shall add to the remainder of the lease such term as may be considered reasonable as compensation for a withdrawal shall not apply where a lease from which one-eighth of the area has been withdrawn under the provisions of that section is extended under the provisions of this section.

20 (16) This section does not apply to or in respect of any lease granted under the provisions of section 28A or 28B.

(b) by inserting at the commencement of section eighteen the words "subject to the provisions of section 17B of this Act"; Sec. 18.
(Duration of lease.)

25 (c) by inserting next after Schedule B the following new Schedule:—

SCHEDULE C.

30 That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing on the boundary between the States of New South Wales and Queensland at the intersection of the twenty-ninth parallel of south latitude with the Barwon River; and bounded thence by that river and the Darling River downwards to the south-east corner of portion W.L. 434, parish of Briery, county of Narran; by the eastern boundary of that portion and the eastern and northern boundaries of portion W.L. 432 to a west boundary of Boorooma Western Lands Lease 230; by western and northern boundaries of that lease generally northerly and easterly to the Narran River; by that river upwards to the easternmost corner of portion W.L. 522, parish of Wilby, county of Narran, being also a corner of Bangheet Western Lands Lease 8; by south-west, north-west and north-east

Western Lands (Amendment).

north-east boundaries of that lease generally north-westerly, north-easterly and south-easterly to the Narran River; again by that river upwards to its intersection with the twenty-ninth parallel of south latitude, being part of the boundary between the States of New South Wales and Queensland; and by that boundary easterly to the Barwon River aforesaid at the point of commencement.

5

3. The Principal Act is further amended—

Further amendment of Act No. 70, 1901.

10

(a) by inserting next after section nineteen the following new section 19A :—

New s. 19A.

15

19A. (1) The rentals of all leases extended under the provisions of section 17B of this Act, and of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, shall be determined by the Commissioners—

Determination of rentals of leases extended or issued after passing of Western Lands (Amendment) Act, 1930.

20

(a) in the case of extended leases the rent shall be determined for each separate period of ten years commencing from the first day of July, one thousand nine hundred and thirty, and for a final period of eight years ;

25

(b) in the cases of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, the rent shall be determined for each period of ten years, or if the term of the lease is less than fifteen years, the rent shall be determined for the full period of the lease :

30

35

Provided that where the unexpired portion of any lease from the commencement of any ten-year period is not more than fifteen years the annual rental shall be determined for such unexpired portion.

The provisions contained in paragraph (b) of this subsection shall not apply to leases granted under section 28A or 28B.

Western Lands (Amendment).

(2) The rent for any period shall not on appraisalment or reappraisalment be increased or decreased more than twenty-five per centum above or below the rent payable immediately prior to such appraisalment or reappraisalment.

(3) All rentals so determined shall be paid in advance on the prescribed date.

(b) by inserting at the commencement of section nineteen the following words: "Subject to the provisions of section 19A of this Act."

4. The Principal Act is further amended—

(a) by inserting next after section forty-four the following new sections:—

Further amendment of Act No. 70, 1901.
New ss. 44A, 44B.

44A. (1) If during the term or extended term of any lease any public work shall be executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty, and by reason thereof the value of such lease becomes enhanced, the lessee upon any withdrawal being effected under section forty-four shall not be entitled to claim and the Commissioners shall not allow any compensation in respect of such enhanced value.

Enhancement due to public works.

(2) For the purpose of this subsection the Lachlan River (Wyangala) Water Conservation Scheme shall be deemed to be a public work executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty.

44B. If any lease within or partly within the boundaries of the tracts described in Schedules D and E of this Act is extended in accordance with the provisions of section 17B the Commissioners shall in any case where withdrawal is effected under the provisions of section forty-four prior to the thirtieth day of June, one thousand nine hundred and forty-three, disregard any such extension and determine the market value of the lessees interest in the lease as if no such extension had been granted.

Special provisions as to Wyangala and Canally areas.

(b)

Western Lands (Amendment).

(b) by inserting next after Schedule C the following new Schedules:—

SCHEDULE D.

5 That portion of the Western Division of the State of
New South Wales within the following boundaries:—Com-
mencing in the parish of Uranaway, county of Blaxland,
at the confluence of the Lachlan River and Willandra
Billabong; and bounded thence by Willandra Billabong
10 downwards to the south-east corner of portion H.L. 88.10,
county of Mossgiel; by part of the east boundary of that
portion northerly to a point east of the most easterly
north-east corner of portion H.L. 85.24; by a line west
and a north, an east and another north boundary of that
15 portion westerly, northerly and again westerly to an east
boundary of portion W.L. 856; by boundaries of that
portion and portion W.L. 857 northerly, north-westerly,
south-westerly and southerly to a north-western corner of
portion H.L. 85.24 aforesaid; by a west, a north, an east
20 and part of a north boundary of that portion to the
south-east corner of Western Lands Lease 1991; by the
east boundary of that lease and part of the east boundary
of Western Lands Lease 12 north to the south-east corner
of portion 9, parish of Gunnagia; by the south boundaries
25 of that portion and portions C.P.L. 29 and 28, and a line
west to a west boundary of Western Lands Lease 12 afore-
said; by part of that boundary northerly, a north, a west
and another north boundary of that lease east, north and
again east and a line east to a point south of the south-
30 east corner of portion 3, parish of Malagadery; by a line
north to the north-east corner of that portion; by a line
east to the south-eastern side of the surveyed road from
Roto to Mount Hope, county of Blaxland; by that side
of that road north-easterly to a point south of the south-
35 west corner of Western Lands Lease 760; by a line, the
west boundary of that lease and part of a west boundary of
Western Lands Lease 105 north to the surveyed track from
Merri Merriwa Public Watering-place to Gilgunnia; by
that track north-easterly to a point east of the north-east
40 corner of portion 3, parish of Merrimerrriwa; by a line east
to the east boundary of Western Lands Lease 105 afore-
said; by a line south-easterly to a point on a west bound-
ary of portion 4, parish of Coan, 111 chains 75 links
from the south-west corner of that portion; by part of a
45 west and the south boundary of that portion south and
east and a line south-easterly to the north-west corner of
Reserve 388 for temporary common at Mount Hope, noti-
fied 8th October, 1883; by the west, south, east and part
of the north boundary of that reserve south, east, north
171—B and

Western Lands (Amendment).

5 and west to the east boundary of Western Lands Lease 1789; by part of that boundary and the north boundary of that lease north and west to the eastern side of the surveyed road from Mount Hope to Gilgunnia; by that side of that road northerly to the north-west corner of portion 16, parish of Mount Allen; by a line partly forming the north boundary of that portion east to the west boundary of portion W.L. 1347; by part of the west and part of the south boundary of that portion southerly and easterly to the north-west corner of Western Lands Lease 2053; by part of the west boundary of that lease southerly, a line partly forming the south-west boundary of portion P.W.P. 570 south-easterly, the south-east boundary of that portion north-easterly and a line east to the road from Nangerybone to Euabalong; by that road generally south-easterly to Booberoi Creek; by that creek south-westerly to its confluence with the Lachlan River; and by that river downwards to the point of commencement.

SCHEDULE E.

20 That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing at the confluence of the Murray and Murrumbidgee Rivers; and bounded thence by the latter river upwards to the north-west corner of portion 8 (rem.), parish of Windomal, county of Cairn; by south-west and south boundaries of that portion, and the south boundary of portion 23, parish of Benongal, to the west boundary of Western Lands Lease 3043; by part of that boundary of the portion to its south-west corner; by lines bearing south 11 minutes east 50 chains 20 links, south 14 minutes west 1 mile 10 chains, south 25 minutes west 30 chains, south 34 minutes west 1 mile 20 chains, and south 43 minutes west 48 chains 64 links to the left bank of Wee Wee Creek; by that creek upwards to the most northern north-east corner of portion W.L. 388, parish of Windomal; by the north boundary of that portion and portion W.L. 276 to the Murray River aforesaid; and thence by the boundary dividing the States of New South Wales and Victoria north-westerly to the point of commencement.

40 5. The Principal Act is further amended—

- (a) (i) by omitting from section thirteen the words "selection or";
 (ii) by omitting from the same section the words "pastoral, homestead, settlement, residential, special, artesian well, improvement or scrub lease, or a lease of inferior lands";
 (iii)

Further amendment of Act No. 70, 1901.

Sec. 13.

(Land may be brought within this Act.)

45

Western Lands (Amendment).

- (iii) by omitting the third paragraph of the same section and the proviso thereto inserted by the Western Lands (Amendment) Act of 1905 ;
- 5 (b) by omitting the proviso to section seventeen inserted by the Western Lands (Amendment) Act of 1905 ; Sec. 17. (Withdrawal for auction sale and small holdings.)
- (c) (i) by omitting from section eighteen the words "the preceding section" and by Sec. 18. (Duration of lease.)
10 inserting in lieu thereof the words "section seventeen" ;
- (ii) by inserting in paragraph two of the same section after the words "granted under" the words "section fourteen of" ;
- 15 (d) by omitting from section twenty-one the words "a revaluation of such lease or license or any part or parts thereof" and by inserting in lieu thereof the words "a redetermination of the rent of such lease or the fee payable on such license" ; Sec. 21. (Increased rentals in certain cases.)
- 20 (e) by omitting from section twenty-five the words "the previous section" and by inserting in lieu thereof the words "section twenty-four" ; Sec. 25. (Leases not applied for.)
- 25 (f) by omitting from section twenty-six the words "the two preceding sections" and by inserting in lieu thereof the words "sections twenty-four, 24A, and twenty-five" ; Sec. 26. (Application of lease.)
- (g) (i) by omitting from section 28A the words "In Part VII of this Act" and by inserting Sec. 28A. (Special leases.)
30 in lieu thereof the words "in this Part" ;
- (ii) by omitting from the same section where-
ever occurring the words "one thousand
35 nine hundred and forty-three" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-eight" ;
- (h) by inserting in section 28B after the words "agriculture and grazing combined" the words "or which has been granted for any such purpose" ;
- 40 (i) by omitting from section twenty-nine the words "new or extended" ; Sec. 29. (Improvements.)

(j)

Western Lands (Amendment).

- (j) by inserting in section 29A after the words "Commissioners and" the word "if"; Sec. 29A.
(Correction.)
- (k) (i) by omitting from section thirty-two the words "selection or"; Sec. 32.
(Extension of present areas.)
- 5 (ii) by omitting from the same section the words "conditional, homestead, or other lease" and by inserting in lieu thereof the words "or of any lease";
- 10 (iii) by omitting paragraphs (a) and (c) of the same section;
- (l) by inserting at the end of section 33A the following new subsection:— Sec. 33A.
(Surrender.)
 - (2) The Minister may also accept a surrender from a lessee of any of his freehold lands within the boundaries of or adjoining any lease without compensation.
 - 15 When any such freehold has been surrendered, the owner of such freehold at date of surrender shall be entitled to tenant-right in all improvements upon the land so surrendered.
 - 20 Any freehold land so surrendered shall become Crown lands subject to the provisions of this Act and shall be deemed to be included in the lease, but no rent shall be payable in respect of such land during the currency of the lease.
- (m) by omitting section thirty-four; Sec. 34.
(Extended area may be held.)
- 30 (n) (i) by inserting in section 35c after the words "Crown Lands Acts" the words "or Western Lands Acts"; Sec. 35c.
(Forfeited or surrendered lands may be added.)
- (ii) by omitting from the same section the words "selection or" wherever occurring;
- (o) by omitting section 35D; Sec. 35D.
(Withdrawals from pastoral lease.)
- 35 (p) by omitting section 35F; Sec. 35F.
(Rent on homestead selection.)
- (q) by omitting section 35H; Sec. 35H.
(Appraisalment.)
- (r)

Western Lands (Amendment).

- (r) (i) by omitting from section 351 the words Sec. 351.
 "homestead selection or settlement or (Married women.)
 homestead lease" and by inserting in lieu
 thereof the words "or homestead grant";
- 5 (ii) by omitting from the same section the
 words "and it shall be a sufficient com-
 10 pliance with this Act, so far as residence is
 concerned, if she shall reside upon any con-
 ditional purchase, conditional lease, home-
 15 stead selection, or settlement lease held by
 her husband; or her husband may fulfil
 the condition of residence on any condi-
 tional purchase, conditional lease, home-
 20 stead selection, or settlement lease held by
 himself or any holding held by his wife
 under this section. In either case notice
 as prescribed shall be forwarded to the
 chairman of the local land board of the
 intention so to reside";
- (s) by omitting from section thirty-seven the Sec. 37.
 words "in regard to which the right of with- (Surrender of lease.)
 25 drawal under section seventeen of this Act has
 been exercised."
- 6.** The Acts mentioned in the Schedule to this Act Repeals.
 25 are to the extent therein indicated hereby repealed. Schedule.

SCHEDULE.

Western Lands (Amendment).

SCHEDULE.

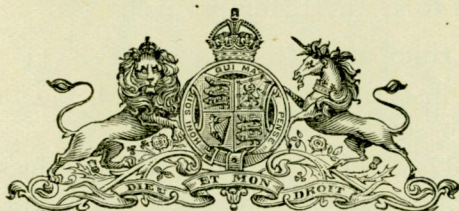
Sec. 6.

No. of Act.	Short Title.	Extent of Repeal.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraphs (e) and (f) of section eight.
5 1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (d) of section ten.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (c) of section thirty.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-five.
10 1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-seven.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-nine.
15 1927, No. 15	Western Lands (Amendment) Act of 1927.	Paragraph (c) of section three.

Sydney: Alfred James Kent, I.S.O., Government Printer—1930.

[1s. 1d.]

New South Wales.



ANNO VICESIMO PRIMO

GEORGII V REGIS.

Act No. 16, 1930.

An Act to provide for the extension of the terms of leases of land in the Western Division in certain cases and upon certain conditions; to provide for the surrender of freehold lands in certain cases; to protect the interests of the Crown in the case of the withdrawal of areas from leases enhanced in value by the construction of public works; and for these and other purposes to amend the Western Lands Act of 1901 and certain other Acts; and for purposes connected therewith. [Assented to, 29th May, 1930.]

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, 1930," and shall be read and construed with the Western Lands Act of 1901, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

Amendment of Act No. 70, 1901, New s. 17B.

2. The Principal Act is amended—

(a) by inserting next after section 17A the following new section:—

Further extension of leases.

17B. (1) The holder of any lease extended in accordance with the provisions of section fourteen or granted in pursuance of the provisions of this Act shall, upon application as prescribed being made within nine months from the commencement of the Western Lands (Amendment) Act, 1930, be entitled to an extension of the term of such lease to the thirtieth day of June, one thousand nine hundred and sixty-eight, and any lease granted after the said commencement shall terminate on the same date.

(2) Any lease so extended shall be subject to the general conditions and provisions of this Act except as provided in this section.

(3) Any lease so extended shall be subject to the following conditions:—

(a) From the area held under lease by any holder the Governor may on the recommendation of the Commissioners from time to time withdraw land for the purpose of providing for settlement.

(b) Except as otherwise provided in this section the portions of the area held under lease which may be so withdrawn and

Western Lands (Amendment).

and the periods within which such withdrawals may be effected shall be as follows :—

One-eighth of the area in not less than eight years and—

a further one-seventh of the area then remaining in not less than thirteen years and—

a further one-sixth of the area then remaining in not less than eighteen years and—

a further one-fifth of the area then remaining in not less than twenty-three years

from the date of the commencement of the Western Lands (Amendment) Act, 1930.

(c) the lease or any subdivided portion thereof shall not be transferred without the consent of the Minister being first obtained.

(4) The provisions of paragraph (b) of subsection three of this section shall not apply to leases within the tract described in Schedule C of this Act, but the granting of an extension of a lease within that tract shall be subject to the following condition as to the withdrawal of portions of the area from the lease, for the purposes of settlement :—

One-eighth of the area in not less than one year and—

a further one-seventh of the area then remaining in not less than six years and—

a further one-sixth of the area then remaining in not less than fifteen years and—

a further one-fifth of the area then remaining in not less than twenty years

from the date of the commencement of the Western Lands (Amendment) Act, 1930.

(5)

Western Lands (Amendment).

(5) Every such portion of an area withdrawn shall, unless the lessee otherwise consents, be in one block and no compensation shall be paid in respect of any such withdrawal.

(6) No such withdrawal shall be made which would in the opinion of the Commissioners have the effect of reducing the carrying capacity of the area held, when reasonably improved, below the under-mentioned standards :—

- (a) within the tract described in Schedule C of this Act—four thousand sheep ;
- (b) outside the tract described in Schedule C of this Act—six thousand sheep.

(7) If the holder does not within the said period of nine months after the commencement of the Western Lands (Amendment) Act, 1930, apply for an extension of the term of his lease, his existing lease shall remain in full force and effect subject in all respects to the law in force immediately prior to such commencement.

(8) Where two or more leases, whether adjoining or not, are held in the same interest and are, in the opinion of the Commissioners, reasonably capable of being worked as one holding, the total area of such leases shall be the area from which withdrawals may be made under this section, and the withdrawal may be made from any one or more of such leases.

(9) Upon a withdrawal of land from lease under this section, the rent for the remainder of the current period of the lease shall be reduced in proportion to the area withdrawn, and any rent paid in advance shall be adjusted on the same basis.

After any such withdrawal the land so withdrawn, until otherwise disposed of, shall remain

Western Lands (Amendment)

remain under preferential occupation license to the lessee at the same rent per acre as the lease from which the land was withdrawn.

(10) All lands withdrawn from lease under this section may be disposed of under the general provisions of this Act, but no lease thereof shall be granted for a term extending beyond the thirtieth day of June, one thousand nine hundred and sixty-eight.

(11) Where any lease is subject to mortgage the mortgagee's consent to an application under this section shall be obtained prior to the lodgment thereof.

(12) Where the term of any lease has been extended under this section the instrument of lease shall be lodged at the office of the Western Land Board in order that the period of extension and a reference to the conditions under which such extension has been granted may be endorsed thereon.

(13) Upon any such withdrawal of an area the lessee shall be entitled to tenant-right in improvements on the lands so withdrawn.

(14) The holder of any lease extended under the provisions of this section may within the last seven years of the term of his lease request the Minister to notify him whether the Minister is willing to offer him an extended lease of the whole or any part of his land where such whole or part does not, in the opinion of the Commissioners, substantially exceed a home maintenance area, and if so for what term, at what rent, and on what conditions.

When such a request is made the Minister may, on the recommendation of the Commissioners, offer an extended lease of such whole or part for a term not exceeding twenty years from the termination of the existing lease at such rent and upon such conditions as may be deemed proper, and notify the lessee of his determination.

If

Western Lands (Amendment).

If the Minister notifies the applicant that he is willing to offer him an extended lease of the whole or any part of his land, the notification shall be deemed to be an offer of an extended lease on the terms notified, and may be accepted by the applicant at any time before the expiration of the lease, but within one year from the time when the Minister notifies him of the offer.

(15) The provision contained in section seventeen that the Governor shall add to the remainder of the lease such term as may be considered reasonable as compensation for a withdrawal shall not apply where a lease from which one-eighth of the area has been withdrawn under the provisions of that section is extended under the provisions of this section.

(16) This section does not apply to or in respect of any lease granted under the provisions of section 28A or 28B.

Sec. 18.
(Duration
of lease.)

- (b) by inserting at the commencement of section eighteen the words "subject to the provisions of section 17B of this Act";
- (c) by inserting next after Schedule B the following new Schedule:—

SCHEDULE C.

That portion of the Western Division of the State of New South Wales within the following boundaries:—Commencing on the boundary between the States of New South Wales and Queensland at the intersection of the twenty-ninth parallel of south latitude with the Barwon River; and bounded thence by that river and the Darling River downwards to the south-east corner of portion W.L. 434, parish of Briery, county of Narran; by the eastern boundary of that portion and the eastern and northern boundaries of portion W.L. 432 to a west boundary of Boorooma Western Lands Lease 230; by western and northern boundaries of that lease generally northerly and easterly to the Narran River; by that river upwards to the easternmost corner of portion W.L. 522, parish of Wilby, county of Narran, being also a corner of Bangheet Western Lands Lease 8; by south-west, north-west and
north-east

Western Lands (Amendment).

north-east boundaries of that lease generally north-westerly, north-easterly and south-easterly to the Narran River; again by that river upwards to its intersection with the twenty-ninth parallel of south latitude, being part of the boundary between the States of New South Wales and Queensland; and by that boundary easterly to the Barwon River aforesaid at the point of commencement.

3. The Principal Act is further amended—

Further
amendment of
Act No. 70, 1901.

- (a) by inserting next after section nineteen the following new section 19A :—

New s. 19A.

19A. (1) The rentals of all leases extended under the provisions of section 17B of this Act, and of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, shall be determined by the Commissioners—

Determina-
tion of rentals
of leases
extended or
issued after
passing of
Western
Lands
(Amendment
Act, 1930.

- (a) in the case of extended leases the rent shall be determined for each separate period of ten years commencing from the first day of July, one thousand nine hundred and thirty, and for a final period of eight years ;
- (b) in the cases of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, the rent shall be determined for each period of ten years, or if the term of the lease is less than fifteen years, the rent shall be determined for the full period of the lease :

Provided that where the unexpired portion of any lease from the commencement of any ten-year period is not more than fifteen years the annual rental shall be determined for such unexpired portion.

The provisions contained in paragraph (b) of this subsection shall not apply to leases granted under section 28A or 28B.

Western Lands (Amendment).

(2) The rent for any period shall not on appraisal or reappraisal be increased or decreased more than twenty-five per centum above or below the rent payable immediately prior to such appraisal or reappraisal.

(3) All rentals so determined shall be paid in advance on the prescribed date.

Sec. 19.

(b) by inserting at the commencement of section nineteen the following words: "Subject to the provisions of section 19A of this Act."

Further amendment of Act No. 70, 1901.
New s. 44A, 44B.

4. The Principal Act is further amended—

Enhancement due to public works.

(a) by inserting next after section forty-four the following new sections:—

44A. (1) If during the term or extended term of any lease any public work shall be executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty, and by reason thereof the value of such lease becomes enhanced, the lessee upon any withdrawal being effected under section forty-four shall not be entitled to claim and the Commissioners shall not allow any compensation in respect of such enhanced value.

(2) For the purpose of this subsection the Lachlan River (Wyangala) Water Conservation Scheme shall be deemed to be a public work executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty.

Special provisions as to Wyangala and Canally areas.

44B. If any lease within or partly within the boundaries of the tracts described in Schedules D and E of this Act is extended in accordance with the provisions of section 17B the Commissioners shall in any case where withdrawal is effected under the provisions of section forty-four prior to the thirtieth day of June, one thousand nine hundred and forty-three, disregard any such extension and determine the market value of the lessee's interest in the lease as if no such extension had been granted.

(b)

Western Lands (Amendment).

- (b) by inserting next after Schedule C the following new Schedules:—

SCHEDULE D.

That portion of the Western Division of the State of New South Wales within the following boundaries:—Commencing in the parish of Uranaway, county of Blaxland, at the confluence of the Lachlan River and Willandra Billabong; and bounded thence by Willandra Billabong downwards to the south-east corner of portion H.L. 88.10, county of Mossgiel; by part of the east boundary of that portion northerly to a point east of the most easterly north-east corner of portion H.L. 85.24; by a line west and a north, an east and another north boundary of that portion westerly, northerly and again westerly to an east boundary of portion W.L. 856; by boundaries of that portion and portion W.L. 857 northerly, north-westerly, south-westerly and southerly to a north-western corner of portion H.L. 85.24 aforesaid; by a west, a north, an east and part of a north boundary of that portion to the south-east corner of Western Lands Lease 1991; by the east boundary of that lease and part of the east boundary of Western Lands Lease 12 north to the south-east corner of portion 9, parish of Gunnagia; by the south boundaries of that portion and portions C.P.L. 29 and 28, and a line west to a west boundary of Western Lands Lease 12 aforesaid; by part of that boundary northerly, a north, a west and another north boundary of that lease east, north and again east and a line east to a point south of the south-east corner of portion 3, parish of Malagadery; by a line north to the north-east corner of that portion; by a line east to the south-eastern side of the surveyed road from Roto to Mount Hope, county of Blaxland; by that side of that road north-easterly to a point south of the south-west corner of Western Lands Lease 760; by a line, the west boundary of that lease and part of a west boundary of Western Lands Lease 105 north to the surveyed track from Merri Merriwa Public Watering-place to Gilgunnia; by that track north-easterly to a point east of the north-east corner of portion 3, parish of Merrimerriwa; by a line east to the east boundary of Western Lands Lease 105 aforesaid; by a line south-easterly to a point on a west boundary of portion 4, parish of Coan, 111 chains 75 links from the south-west corner of that portion; by part of a west and the south boundary of that portion south and east and a line south-easterly to the north-west corner of Reserve 388 for temporary common at Mount Hope, notified 8th October, 1883; by the west, south, east and part of the north boundary of that reserve south, east, north

B

and

Western Lands (Amendment).

and west to the east boundary of Western Lands Lease 1789; by part of that boundary and the north boundary of that lease north and west to the eastern side of the surveyed road from Mount Hope to Gilgunnia; by that side of that road northerly to the north-west corner of portion 16, parish of Mount Allen; by a line partly forming the north boundary of that portion east to the west boundary of portion W.L. 1347; by part of the west and part of the south boundary of that portion southerly and easterly to the north-west corner of Western Lands Lease 2053; by part of the west boundary of that lease southerly, a line partly forming the south-west boundary of portion P.W.P. 570 south-easterly, the south-east boundary of that portion north-easterly and a line east to the road from Nangerybone to Euabalong; by that road generally south-easterly to Booberoi Creek; by that creek south-westerly to its confluence with the Lachlan River; and by that river downwards to the point of commencement.

SCHEDULE E.

That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing at the confluence of the Murray and Murrumbidgee Rivers; and bounded thence by the latter river upwards to the north-west corner of portion 8 (rem.), parish of Windomal, county of Cairn; by south-west and south boundaries of that portion, and the south boundary of portion 23, parish of Benongal, to the west boundary of Western Lands Lease 3043; by part of that boundary of the portion to its south-west corner; by lines bearing south 11 minutes east 50 chains 20 links, south 14 minutes west 1 mile 10 chains, south 25 minutes west 30 chains, south 34 minutes west 1 mile 20 chains, and south 43 minutes west 48 chains 64 links to the left bank of Wee Wee Creek; by that creek upwards to the most northern north-east corner of portion W.L. 388, parish of Windomal; by the north boundary of that portion and portion W.L. 276 to the Murray River aforesaid; and thence by the boundary dividing the States of New South Wales and Victoria north-westerly to the point of commencement.

5. The Principal Act is further amended—

- (a) (i) by omitting from section thirteen the words "selection or";
- (ii) by omitting from the same section the words "pastoral, homestead, settlement, residential, special, artesian well, improvement or scrub lease, or a lease of inferior lands";
- (iii)

Further amendment of Act No. 70, 1901, Sec. 13. (Land may be brought within this Act.)

Western Lands (Amendment).

- (iii) by omitting the third paragraph of the same section and the proviso thereto inserted by the Western Lands (Amendment) Act of 1905 ;
- (b) by omitting the proviso to section seventeen inserted by the Western Lands (Amendment) Act of 1905 ; Sec. 17.
(Withdrawal for auction sale and small holdings.)
- (c) (i) by omitting from section eighteen the words "the preceding section" and by inserting in lieu thereof the words "section seventeen" ; Sec. 18.
(Duration of lease.)
- (ii) by inserting in paragraph two of the same section after the words "granted under" the words "section fourteen of" ;
- (d) by omitting from section twenty-one the words "a revaluation of such lease or license or any part or parts thereof" and by inserting in lieu thereof the words "a redetermination of the rent of such lease or the fee payable on such license" ; Sec. 21.
(Increased rentals in certain cases.)
- (e) by omitting from section twenty-five the words "the previous section" and by inserting in lieu thereof the words "section twenty-four" ; Sec. 25.
(Leases not applied for.)
- (f) by omitting from section twenty-six the words "the two preceding sections" and by inserting in lieu thereof the words "sections twenty-four, 24A, and twenty-five" ; Sec. 26.
(Application of lease.)
- (g) (i) by omitting from section 28A the words "In Part VII of this Act" and by inserting in lieu thereof the words "in this Part" ; Sec. 28A.
(Special leases.)
- (ii) by omitting from the same section wherever occurring the words "one thousand nine hundred and forty-three" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-eight" ;
- (h) by inserting in section 28B after the words "agriculture and grazing combined" the words "or which has been granted for any such purpose" ;
- (i) by omitting from section twenty-nine the words "new or extended" ; Sec. 29.
(Improvement.)
- (j)

Western Lands (Amendment).

Sec. 29A.
(Correction.)

(j) by inserting in section 29A after the words "Commissioners and" the word "if";

Sec. 32.
(Extension
of present
areas.)

(k) (i) by omitting from section thirty-two the words "selection or";

(ii) by omitting from the same section the words "conditional, homestead, or other lease" and by inserting in lieu thereof the words "or of any lease";

(iii) by omitting paragraphs (a) and (c) of the same section;

Sec. 33A.
(Surrender.)

(1) by inserting at the end of section 33A the following new subsection:—

(2) The Minister may also accept a surrender from a lessee of any of his freehold lands within the boundaries of or adjoining any lease without compensation

When any such freehold has been surrendered, the owner of such freehold at date of surrender shall be entitled to tenant-right in all improvements upon the land so surrendered.

Any freehold land so surrendered shall become Crown lands subject to the provisions of this Act and shall be deemed to be included in the lease, but no rent shall be payable in respect of such land during the currency of the lease.

Sec. 34.
(Extended are
may be held.)

(m) by omitting section thirty-four;

Sec. 35c.
(Forfeited or
surrendered
lands may be
added.)

(n) (i) by inserting in section 35c after the words "Crown Lands Acts" the words "or Western Lands Acts";

(ii) by omitting from the same section the words "selection or" wherever occurring;

Sec. 35D.
(Withdrawals
from pastoral
lease.)

(o) by omitting section 35D;

Sec. 35F.
(Rent on
homestead
selection.)

(p) by omitting section 35F;

Sec. 35H.
(Appraisalment.)

(q) by omitting section 35H;

(r)

Western Lands (Amendment).

- (r) (i) by omitting from section 35I the words Sec. 35I.
 “homestead selection or settlement or (Married women.)
 homestead lease” and by inserting in lieu
 thereof the words “or homestead grant”;
- (ii) by omitting from the same section the
 words “and it shall be a sufficient com-
 pliance with this Act, so far as residence is
 concerned, if she shall reside upon any con-
 ditional purchase, conditional lease, home-
 stead selection, or settlement lease held by
 her husband; or her husband may fulfil
 the condition of residence on any condi-
 tional purchase, conditional lease, home-
 stead selection, or settlement lease held by
 himself or any holding held by his wife
 under this section. In either case notice
 as prescribed shall be forwarded to the
 chairman of the local land board of the
 intention so to reside”;
- (s) by omitting from section thirty-seven the Sec. 37.
 words “in regard to which the right of with- (Surrender of lease.)
 drawal under section seventeen of this Act has
 been exercised.”

6. The Acts mentioned in the Schedule to this Act Repeals.
 are to the extent therein indicated hereby repealed. Schedule.

Western Lands (Amendment).

Sec. 6.

SCHEDULE

No. of Act.	Short Title.	Extent of Repeal.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraphs (e) and (f) of section eight.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (d) of section ten.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (c) of section thirty.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-five.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-seven.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-nine.
1927, No. 15	Western Lands (Amendment) Act of 1927.	Paragraph (c) of section three.

By Authority:

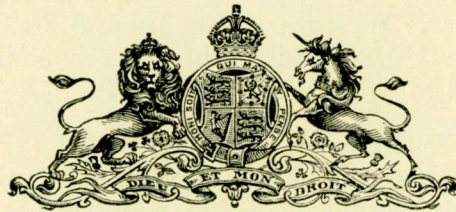
ALFRED JAMES KENT, I.S.O., Government Printer, Sydney, 1930.

[6d.]

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.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 20 May, 1930.

New South Wales.



ANNO VICESIMO PRIMO

GEORGII V REGIS.

Act No. 16, 1930.

An Act to provide for the extension of the terms of leases of land in the Western Division in certain cases and upon certain conditions; to provide for the surrender of freehold lands in certain cases; to protect the interests of the Crown in the case of the withdrawal of areas from leases enhanced in value by the construction of public works; and for these and other purposes to amend the Western Lands Act of 1901 and certain other Acts; and for purposes connected therewith. [Assented to, 29th May, 1930.]

BE

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

R. B. WALKER,
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, 1930," and shall be read and construed with the Western Lands Act of 1901, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

Amendment of
Act No. 70, 1901.
New s. 17B.

2. The Principal Act is amended—

(a) by inserting next after section 17A the following new section:—

Further
extension
of leases.

17B. (1) The holder of any lease extended in accordance with the provisions of section fourteen or granted in pursuance of the provisions of this Act shall, upon application as prescribed being made within nine months from the commencement of the Western Lands (Amendment) Act, 1930, be entitled to an extension of the term of such lease to the thirtieth day of June, one thousand nine hundred and sixty-eight, and any lease granted after the said commencement shall terminate on the same date.

(2) Any lease so extended shall be subject to the general conditions and provisions of this Act except as provided in this section.

(3) Any lease so extended shall be subject to the following conditions:—

(a) From the area held under lease by any holder the Governor may on the recommendation of the Commissioners from time to time withdraw land for the purpose of providing for settlement.

(b) Except as otherwise provided in this section the portions of the area held under lease which may be so withdrawn
and

Western Lands (Amendment).

and the periods within which such withdrawals may be effected shall be as follows:—

One-eighth of the area in not less than eight years and—

a further one-seventh of the area then remaining in not less than thirteen years and—

a further one-sixth of the area then remaining in not less than eighteen years and—

a further one-fifth of the area then remaining in not less than twenty-three years

from the date of the commencement of the Western Lands (Amendment) Act, 1930.

(c) the lease or any subdivided portion thereof shall not be transferred without the consent of the Minister being first obtained.

(4) The provisions of paragraph (b) of subsection three of this section shall not apply to leases within the tract described in Schedule C of this Act, but the granting of an extension of a lease within that tract shall be subject to the following condition as to the withdrawal of portions of the area from the lease, for the purposes of settlement:—

One-eighth of the area in not less than one year and—

a further one-seventh of the area then remaining in not less than six years and—

a further one-sixth of the area then remaining in not less than fifteen years and—

a further one-fifth of the area then remaining in not less than twenty years

from the date of the commencement of the Western Lands (Amendment) Act, 1930.

(5)

Western Lands (Amendment).

(5) Every such portion of an area withdrawn shall, unless the lessee otherwise consents, be in one block and no compensation shall be paid in respect of any such withdrawal.

(6) No such withdrawal shall be made which would in the opinion of the Commissioners have the effect of reducing the carrying capacity of the area held, when reasonably improved, below the under-mentioned standards:—

- (a) within the tract described in Schedule C of this Act—four thousand sheep;
- (b) outside the tract described in Schedule C of this Act—six thousand sheep.

(7) If the holder does not within the said period of nine months after the commencement of the Western Lands (Amendment) Act, 1930, apply for an extension of the term of his lease, his existing lease shall remain in full force and effect subject in all respects to the law in force immediately prior to such commencement.

(8) Where two or more leases, whether adjoining or not, are held in the same interest and are, in the opinion of the Commissioners, reasonably capable of being worked as one holding, the total area of such leases shall be the area from which withdrawals may be made under this section, and the withdrawal may be made from any one or more of such leases.

(9) Upon a withdrawal of land from lease under this section, the rent for the remainder of the current period of the lease shall be reduced in proportion to the area withdrawn, and any rent paid in advance shall be adjusted on the same basis.

After any such withdrawal the land so withdrawn, until otherwise disposed of, shall remain

Western Lands (Amendment).

remain under preferential occupation license to the lessee at the same rent per acre as the lease from which the land was withdrawn.

(10) All lands withdrawn from lease under this section may be disposed of under the general provisions of this Act, but no lease thereof shall be granted for a term extending beyond the thirtieth day of June, one thousand nine hundred and sixty-eight.

(11) Where any lease is subject to mortgage the mortgagee's consent to an application under this section shall be obtained prior to the lodgment thereof.

(12) Where the term of any lease has been extended under this section the instrument of lease shall be lodged at the office of the Western Land Board in order that the period of extension and a reference to the conditions under which such extension has been granted may be endorsed thereon.

(13) Upon any such withdrawal of an area the lessee shall be entitled to tenant-right in improvements on the lands so withdrawn.

(14) The holder of any lease extended under the provisions of this section may within the last seven years of the term of his lease request the Minister to notify him whether the Minister is willing to offer him an extended lease of the whole or any part of his land where such whole or part does not, in the opinion of the Commissioners, substantially exceed a home maintenance area, and if so for what term, at what rent, and on what conditions.

When such a request is made the Minister may, on the recommendation of the Commissioners, offer an extended lease of such whole or part for a term not exceeding twenty years from the termination of the existing lease at such rent and upon such conditions as may be deemed proper, and notify the lessee of his determination.

If

Act No. 16, 1930.

Western Lands (Amendment).

If the Minister notifies the applicant that he is willing to offer him an extended lease of the whole or any part of his land, the notification shall be deemed to be an offer of an extended lease on the terms notified, and may be accepted by the applicant at any time before the expiration of the lease, but within one year from the time when the Minister notifies him of the offer.

(15) The provision contained in section seventeen that the Governor shall add to the remainder of the lease such term as may be considered reasonable as compensation for a withdrawal shall not apply where a lease from which one-eighth of the area has been withdrawn under the provisions of that section is extended under the provisions of this section.

(16) This section does not apply to or in respect of any lease granted under the provisions of section 28A or 28B.

Sec. 18.
(Duration
of lease.)

- (b) by inserting at the commencement of section eighteen the words "subject to the provisions of section 17B of this Act";
- (c) by inserting next after Schedule B the following new Schedule:—

SCHEDULE C.

That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing on the boundary between the States of New South Wales and Queensland at the intersection of the twenty-ninth parallel of south latitude with the Barwon River; and bounded thence by that river and the Darling River downwards to the south-east corner of portion W.L. 434, parish of Briery, county of Narran; by the eastern boundary of that portion and the eastern and northern boundaries of portion W.L. 432 to a west boundary of Boorooma Western Lands Lease 230; by western and northern boundaries of that lease generally northerly and easterly to the Narran River; by that river upwards to the easternmost corner of portion W.L. 522, parish of Wilby, county of Narran, being also a corner of Bangheet Western Lands Lease 8; by south-west, north-west and north-east

Western Lands (Amendment).

north-east boundaries of that lease generally north-westerly, north-easterly and south-easterly to the Narran River; again by that river upwards to its intersection with the twenty-ninth parallel of south latitude, being part of the boundary between the States of New South Wales and Queensland; and by that boundary easterly to the Barwon River aforesaid at the point of commencement.

3. The Principal Act is further amended—

Further amendment of Act No. 70, 1901.

- (a) by inserting next after section nineteen the following new section 19A :—

New s. 19A.

19A. (1) The rentals of all leases extended under the provisions of section 17B of this Act, and of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, shall be determined by the Commissioners—

Determination of rentals of leases extended or issued after passing of Western Lands (Amendment) Act, 1930.

- (a) in the case of extended leases the rent shall be determined for each separate period of ten years commencing from the first day of July, one thousand nine hundred and thirty, and for a final period of eight years ;
- (b) in the cases of leases issued after the commencement of the Western Lands (Amendment) Act, 1930, the rent shall be determined for each period of ten years, or if the term of the lease is less than fifteen years, the rent shall be determined for the full period of the lease :

Provided that where the unexpired portion of any lease from the commencement of any ten-year period is not more than fifteen years the annual rental shall be determined for such unexpired portion.

The provisions contained in paragraph (b) of this subsection shall not apply to leases granted under section 28A or 28B.

(2)

(3)

Western Lands (Amendment).

(2) The rent for any period shall not on appraisalment or reappraisalment be increased or decreased more than twenty-five per centum above or below the rent payable immediately prior to such appraisalment or reappraisalment.

(3) All rentals so determined shall be paid in advance on the prescribed date.

Sec. 19.

(b) by inserting at the commencement of section nineteen the following words: "Subject to the provisions of section 19A of this Act."

Further amendment of Act No. 70, 1901.
New ss. 44A 44B.

Enhancement due to public works.

4. The Principal Act is further amended—

(a) by inserting next after section forty-four the following new sections:—

44A. (1) If during the term or extended term of any lease any public work shall be executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty, and by reason thereof the value of such lease becomes enhanced, the lessee upon any withdrawal being effected under section forty-four shall not be entitled to claim and the Commissioners shall not allow any compensation in respect of such enhanced value.

(2) For the purpose of this subsection the Lachlan River (Wyangala) Water Conservation Scheme shall be deemed to be a public work executed by or on behalf of the Government after the first day of July, one thousand nine hundred and thirty.

Special provisions as to Wyangala and Canally areas.

44B. If any lease within or partly within the boundaries of the tracts described in Schedules D and E of this Act is extended in accordance with the provisions of section 17B the Commissioners shall in any case where withdrawal is effected under the provisions of section forty-four prior to the thirtieth day of June, one thousand nine hundred and forty-three, disregard any such extension and determine the market value of the lessees interest in the lease as if no such extension had been granted.

(b)

Western Lands (Amendment).

- (b) by inserting next after Schedule C the following new Schedules:—

SCHEDULE D.

That portion of the Western Division of the State of New South Wales within the following boundaries:—Commencing in the parish of Uranaway, county of Blaxland, at the confluence of the Lachlan River and Willandra Billabong; and bounded thence by Willandra Billabong downwards to the south-east corner of portion H.L. 88.10, county of Mossgiel; by part of the east boundary of that portion northerly to a point east of the most easterly north-east corner of portion H.L. 85.24; by a line west and a north, an east and another north boundary of that portion westerly, northerly and again westerly to an east boundary of portion W.L. 856; by boundaries of that portion and portion W.L. 857 northerly, north-westerly, south-westerly and southerly to a north-western corner of portion H.L. 85.24 aforesaid; by a west, a north, an east and part of a north boundary of that portion to the south-east corner of Western Lands Lease 1991; by the east boundary of that lease and part of the east boundary of Western Lands Lease 12 north to the south-east corner of portion 9, parish of Gunnagia; by the south boundaries of that portion and portions C.P.L. 29 and 28, and a line west to a west boundary of Western Lands Lease 12 aforesaid; by part of that boundary northerly, a north, a west and another north boundary of that lease east, north and again east and a line east to a point south of the south-east corner of portion 3, parish of Malagadery; by a line north to the north-east corner of that portion; by a line east to the south-eastern side of the surveyed road from Roto to Mount Hope, county of Blaxland; by that side of that road north-easterly to a point south of the south-west corner of Western Lands Lease 760; by a line, the west boundary of that lease and part of a west boundary of Western Lands Lease 105 north to the surveyed track from Merri Merriwa Public Watering-place to Gilgunnia; by that track north-easterly to a point east of the north-east corner of portion 3, parish of Merrimerriwa; by a line east to the east boundary of Western Lands Lease 105 aforesaid; by a line south-easterly to a point on a west boundary of portion 4, parish of Coan, 111 chains 75 links from the south-west corner of that portion; by part of a west and the south boundary of that portion south and east and a line south-easterly to the north-west corner of Reserve 388 for temporary common at Mount Hope, notified 8th October, 1883; by the west, south, east and part of the north boundary of that reserve south, east, north
and

Western Lands (Amendment).

and west to the east boundary of Western Lands Lease 1789; by part of that boundary and the north boundary of that lease north and west to the eastern side of the surveyed road from Mount Hope to Gilgunnia; by that side of that road northerly to the north-west corner of portion 16, parish of Mount Allen; by a line partly forming the north boundary of that portion east to the west boundary of portion W.L. 1347; by part of the west and part of the south boundary of that portion southerly and easterly to the north-west corner of Western Lands Lease 2053; by part of the west boundary of that lease southerly, a line partly forming the south-west boundary of portion P.W.P. 570 south-easterly, the south-east boundary of that portion north-easterly and a line east to the road from Nangerybone to Euabalong; by that road generally south-easterly to Booberoi Creek; by that creek south-westerly to its confluence with the Lachlan River; and by that river downwards to the point of commencement.

SCHEDULE E.

That portion of the Western Division of the State of New South Wales within the following boundaries:— Commencing at the confluence of the Murray and Murrumbidgee Rivers; and bounded thence by the latter river upwards to the north-west corner of portion 8 (rem.), parish of Windomal, county of Caira; by south-west and south boundaries of that portion, and the south boundary of portion 23, parish of Benongal, to the west boundary of Western Lands Lease 3043; by part of that boundary of the portion to its south-west corner; by lines bearing south 11 minutes east 50 chains 20 links, south 14 minutes west 1 mile 10 chains, south 25 minutes west 30 chains, south 34 minutes west 1 mile 20 chains, and south 43 minutes west 48 chains 64 links to the left bank of Wee Wee Creek; by that creek upwards to the most northern north-east corner of portion W.L. 388, parish of Windomal; by the north boundary of that portion and portion W.L. 276 to the Murray River aforesaid; and thence by the boundary dividing the States of New South Wales and Victoria north-westerly to the point of commencement.

5. The Principal Act is further amended—

- (a) (i) by omitting from section thirteen the words "selection or";
 (ii) by omitting from the same section the words "pastoral, homestead, settlement, residential, special, artesian well, improvement or scrub lease, or a lease of inferior lands";
 (iii)

Further amendment of Act No. 70, 1901, Sec. 13. (Land may be brought within this Act.)

Western Lands (Amendment).

- (iii) by omitting the third paragraph of the same section and the proviso thereto inserted by the Western Lands (Amendment) Act of 1905 ;
- (b) by omitting the proviso to section seventeen inserted by the Western Lands (Amendment) Act of 1905 ; Sec. 17.
(Withdrawal for auction sale and small holdings.)
- (c) (i) by omitting from section eighteen the words "the preceding section" and by inserting in lieu thereof the words "section seventeen" ; Sec. 18.
(Duration of lease.)
- (ii) by inserting in paragraph two of the same section after the words "granted under" the words "section fourteen of" ;
- (d) by omitting from section twenty-one the words "a revaluation of such lease or license or any part or parts thereof" and by inserting in lieu thereof the words "a redetermination of the rent of such lease or the fee payable on such license" ; Sec. 21.
(Increased rentals in certain cases.)
- (e) by omitting from section twenty-five the words "the previous section" and by inserting in lieu thereof the words "section twenty-four" ; Sec. 25.
(Leases not applied for.)
- (f) by omitting from section twenty-six the words "the two preceding sections" and by inserting in lieu thereof the words "sections twenty-four, 24A, and twenty-five" ; Sec. 26.
(Application of lease.)
- (g) (i) by omitting from section 28A the words "In Part VII of this Act" and by inserting in lieu thereof the words "in this Part" ; Sec. 28A.
(Special leases.)
- (ii) by omitting from the same section wherever occurring the words "one thousand nine hundred and forty-three" and by inserting in lieu thereof the words "one thousand nine hundred and sixty-eight" ;
- (h) by inserting in section 28B after the words "agriculture and grazing combined" the words "or which has been granted for any such purpose" ;
- (i) by omitting from section twenty-nine the words "new or extended" ; Sec. 29.
(Improvements.)

(j)

Western Lands (Amendment).

- Sec. 29A.
(Correction.) (j) by inserting in section 29A after the words "Commissioners and" the word "if";
- Sec. 32.
(Extension of present areas.) (k) (i) by omitting from section thirty-two the words "selection or";
(ii) by omitting from the same section the words "conditional, homestead, or other lease" and by inserting in lieu thereof the words "or of any lease";
(iii) by omitting paragraphs (a) and (c) of the same section;
- Sec. 33A.
(Surrender.) (l) by inserting at the end of section 33A the following new subsection:—
(2) The Minister may also accept a surrender from a lessee of any of his freehold lands within the boundaries of or adjoining any lease without compensation.
When any such freehold has been surrendered, the owner of such freehold at date of surrender shall be entitled to tenant-right in all improvements upon the land so surrendered.
Any freehold land so surrendered shall become Crown lands subject to the provisions of this Act and shall be deemed to be included in the lease, but no rent shall be payable in respect of such land during the currency of the lease.
- Sec. 34.
(Extended area may be held.) (m) by omitting section thirty-four;
- Sec. 35C.
(Forfeited or surrendered lands may be added.) (n) (i) by inserting in section 35C after the words "Crown Lands Acts" the words "or Western Lands Acts";
(ii) by omitting from the same section the words "selection or" wherever occurring;
- Sec. 35D.
(Withdrawals from pastoral lease.) (o) by omitting section 35D;
- Sec. 35F.
(Rent on homestead selection.) (p) by omitting section 35F;
- Sec. 35H.
(Appraisement.) (q) by omitting section 35H;
- (r)

Western Lands (Amendment).

- (r) (i) by omitting from section 35r the words Sec. 35i.
“homestead selection or settlement or
homestead lease” and by inserting in lieu (Married
women.)
thereof the words “or homestead grant”;
- (ii) by omitting from the same section the
words “and it shall be a sufficient com-
pliance with this Act, so far as residence is
concerned, if she shall reside upon any con-
ditional purchase, conditional lease, home-
stead selection, or settlement lease held by
her husband; or her husband may fulfil
the condition of residence on any condi-
tional purchase, conditional lease, home-
stead selection, or settlement lease held by
himself or any holding held by his wife
under this section. In either case notice
as prescribed shall be forwarded to the
chairman of the local land board of the
intention so to reside”;
- (s) by omitting from section thirty-seven the Sec. 37.
words “in regard to which the right of with- (Surrender
of lease.
drawal under section seventeen of this Act has
been exercised.”
- 6.** The Acts mentioned in the Schedule to this Act Repeals.
are to the extent therein indicated hereby repealed. Schedule.
-

SCHEDULE.

Western Lands (Amendment).

Sec. 6.

SCHEDULE.

No. of Act.	Short Title.	Extent of Repeal.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraphs (e) and (f) of section eight.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (d) of section ten.
1905, No. 38	Western Lands (Amendment) Act of 1905.	Paragraph (c) of section thirty.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-five.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-seven.
1905, No. 38	Western Lands (Amendment) Act of 1905.	The whole of section thirty-nine.
1927, No. 15	Western Lands (Amendment) Act of 1927.	Paragraph (c) of section three.

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

PHILIP GAME,
Governor.

*Government House,
Sydney, 29th May, 1930.*