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

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 4 *March,* 1931.

New South Wales.

ANNO VICESIMO PRIMO

GEORGII V REGIS.

* *

Act No. 8, 1931.

An Act to declare the extensions of certain leases under the Western Lands Act, 1901, invalid; to repeal certain provisions of that Act inserted by the Western Lands (Amendment) Act, 1930; to amend the said Acts; and for purposes connected therewith. [Assented to, 12th March, 1931.]

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

1. This Act may be cited as the "Western Lands (Amendment) Act, 1931," and shall be read and construed with the Western Lands Act, 1901, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act. Short title.

2.

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

H. J. CONNELL,
Chairman of Committees of the Legislative Assembly

Amendment of Act No. 70, 1901.

2. (1) The Principal Act is amended—

Sec. 17B. (a) by omitting section 17B;

Sec. 18. (b) by omitting from section eighteen the words "subject to the provisions of section 17B of this Act";

Schs. C, D, E. (c) by omitting Schedules C, D, and E;

Sec. 19. (d) by omitting from section nineteen the words "subject to the provisions of section 19A of this Act";

Sec. 19A. (e) by omitting section 19A;

Sec. 28A. (f) by omitting from section 28A, wherever occurring, the words "one thousand nine hundred and sixty-eight" and by inserting in lieu thereof the words "one thousand nine hundred and forty-three";

Sec. 44B. (g) by omitting section 44B.

Retrospective operation.

(2) This section shall be deemed to have commenced on the twenty-ninth day of May, one thousand nine hundred and thirty.

Exclusion of s. 8 of Act 61 Vic. No. 4, and of compensation.

3. (1) Section eight of the Interpretation Act of 1897 shall not extend to this Act.

(2) No compensation shall be payable by the Crown in respect of the operation of any provision of this Act.

Extensions invalid.

4. (1) No extension of a lease under the provisions of section 17B of the Principal Act, hereby repealed, shall be valid for any purpose whatsoever.

(2) Where any endorsement of an extension of a lease under the provisions of section 17B of the Principal Act, hereby repealed, has been made on the instrument of lease, the holder of the lease shall lodge such instrument of lease at the office of the Western Land Board for the cancellation of the endorsement within the time and subject to the penalty prescribed by the regulations.

(3) Any lease in respect of which an application for extension has been made in pursuance of any section repealed by this Act, shall be held subject in all respects to the provisions of the Western Lands Act of 1901 as amended by subsequent Acts and this Act.

5.

5. The Act mentioned in the Schedule to this Act is, to the extent therein indicated, hereby repealed. Repeals.

SCHEDULE.

No. of Act.	Short Title.	Extent of Repeal.
1930 No. 16	Western Lands (Amendment) Act, 1930.	Sections two and three. So much of section 4 (a) as inserted section 44B. Paragraph (b) of section four. Paragraph (g) (ii) of section five.

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

PHILIP GAME,
Governor.

Government House,
Sydney, 12*th March,* 1931.

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

W. R. McCOURT,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 19 *February,* 1931.

New South Wales.

ANNO VICESIMO PRIMO

GEORGII V REGIS.

* *

Act No. , 1931.

An Act to declare the extensions of certain leases under the Western Lands Act, 1901, invalid; to repeal certain provisions of that Act inserted by the Western Lands (Amendment) Act, 1930; to amend the said Acts; and for purposes connected therewith.

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

1. This Act may be cited as the "Western Lands (Amendment) Act, 1931," and shall be read and construed with the Western Lands Act, 1901, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act. Short title.

2. (1) The Principal Act is amended— Amendment of Act No. 70, 1901.

(a) by omitting section 17B; Sec. 17B.

(b) by omitting from section eighteen the words "subject to the provisions of section 17B of this Act"; Sec. 18.

(c) by omitting Schedules C, D, and E; Schs. C, D, E.

(d) by omitting from section nineteen the words "subject to the provisions of section 19A of this Act"; Sec. 19.

(e) by omitting section 19A; Sec. 19A

(f) by omitting from section 28A, wherever occurring, the words "one thousand nine hundred and sixty-eight" and by inserting in lieu thereof the words "one thousand nine hundred and forty-three"; Sec. 28A.

(g) by omitting section 44B. Sec. 44B.

(2) This section shall be deemed to have commenced on the twenty-ninth day of May, one thousand nine hundred and thirty. Retrospective operation.

3. (1) Section eight of the Interpretation Act of 1897 shall not extend to this Act. Exclusion of s. 8 of Act 61 Vic. No. 4, and of compensation.

(2) No compensation shall be payable by the Crown in respect of the operation of any provision of this Act.

4. (1) No extension of a lease under the provisions of section 17B of the Principal Act, hereby repealed, shall be valid for any purpose whatsoever. Extensions invalid.

(2) Where any endorsement of an extension of a lease under the provisions of section 17B of the Principal Act, hereby repealed, has been made on the instrument of lease, the holder of the lease shall lodge such instrument of lease at the office of the Western Land Board for the cancellation of the endorsement within the time and subject to the penalty prescribed by the regulations.

(3) Any lease in respect of which an application for extension has been made in pursuance of any section repealed by this Act, shall be held subject in all respects to the provisions of the Western Lands Act of 1901 as amended by subsequent Acts and this Act.

5.

5. The Act mentioned in the Schedule to this Act is, to the extent therein indicated, hereby repealed. Repeals.

SCHEDULE.

No. of Act.	Short Title.	Extent of Repeal.
5 1930 No. 16	Western Lands (Amendment) Act, 1930.	Sections two and three. So much of section 4 (a) as inserted section 44B. Paragraph (b) of section four. Paragraph (g) (ii) of section five.

Sydney: Alfred James Kent, I.S.O., Government Printer—1931.

[4*d*.]

WESTERN LANDS (AMENDMENT) BILL, 1931.

31-60

NOTE.

The respective sections of the Western Lands Act, 1901 (as amended by subsequent Acts) which are being amended by this Bill are reproduced herein, with the suggested amendments shown in their correct position.

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

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

The words proposed to be omitted are ruled through.

Clause 1.

1. This Act may be cited as the "Western Lands (Amendment) Act, 1931," and shall be read and construed with the Western Lands Act, 1901, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

Short Title.

Clause 2(1)(a)

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.

Further extension of leases.

(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 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) 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 undermentioned 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 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 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.

Clause 2(1)(b)

Duration of lease.

18. ~~Subject to the provisions of section 17B of this Act~~ all leases issued or brought under the provisions of this Act shall expire on the thirtieth day of June in the year one thousand nine hundred and forty-three, except leases extended in accordance with the provisions of section seventeen and special leases as hereinafter provided.

x x x

x x x

Clause 2(1)(c)

SCHEDULE C.

(Schedule has not been reproduced here, but relates to a geographical description of lands within Walgett North Area).

SCHEDULE D.

(Schedule has not been reproduced here, but relates to a geographical description of land within the influence of Wyangala Dam).

SCHEDULE E.

(Schedule has not been reproduced here, but relates to land embraced by Canally holding, situated near the confluence of the Murray and the Murrumbidgee Rivers.

Clause 2(1)(d)

19. ~~Subject to the provisions of section 19A of this Act~~ the rentals on all leases issued or brought under the provisions of this Act in the prescribed manner shall be determined by the Commissioners in the manner described in the subsections hereto for the balance of the term of leases current at the date of the commencement of this Act.

Rents how determined.

x x x

x x x

Clause 2(1)(e)

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

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

x

x

Clause 2(1)(f)

28A. Notwithstanding anything in this Part contained, the Governor may, on the report of the Commissioners, lease by auction or otherwise any Crown lands, or lands held under occupation license or annual lease, or lands under any lake, river, creek, or lands resumed, withdrawn or surrendered under the provisions of the Crown Lands Acts, or this Act, for any purpose declared by the Governor, by proclamation in the Gazette, to be a special purpose within this section; but no lands held under occupation license or annual lease shall be leased under this section for grazing purposes only unless with the consent of the occupation licensee or annual lessee.

Special leases may be granted.

Any such lease shall be for a term, to expire not later than the thirtieth day of June, ~~one thousand nine hundred and sixty eight~~, one thousand nine hundred and forty-three, of such area, at such annual rental, or at such upset rental, where any such land is let by auction - the provisions of section nineteen of this Act to the contrary notwithstanding - and on such terms, conditions, and reservations, and subject to such provisions as the Minister, after report by the Commissioners, may recommend.

Term of special leases.

The term of any special lease granted under the Crown Lands Acts may, on application, be extended under the provisions of this Act for any period up to the thirtieth day of June, ~~one thousand nine hundred and sixty eight~~, one thousand nine hundred and forty three.

Extension of special lease granted under the Crown Lands Acts.

x x x

x x x

Clause 2(1)(g)

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.

x

x

Clause 2(2)

2. This section shall be deemed to have commenced on the twenty-ninth day of May, one thousand nine hundred and thirty.

Retrospective operation.

Clause 3(1)

(1) Section eight of the Interpretation Act of 1897 shall not extend to this Act.

Exclusion of S. 8 of Act 61 Vic. No. 4 and of compensation.

Section 8. Interpretation Act, 1897.

8. Where an Act repeals in the whole or in part a former Act, then, unless the contrary intention appears, the repeal shall not -

(a) affect the previous operation of an enactment so repealed, or anything duly suffered, done, or commenced to be done under an enactment so repealed; or
(b) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under an enactment so repealed; or
(c) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against an enactment so repealed; or
(d) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid:

Not to apply to this Act

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed and enforced, as if the repealing Act had not been passed.

Clause 3(2)

(2) No compensation shall be payable by the Crown in respect of the operation of any provision of this Act.

No compensation.

Clause 4(1)

(1) No extension of a lease under the provisions of Section 17B of the Principal Act, hereby repealed, shall be valid for any purpose whatsoever.

Extensions invalid.

Clause 4(2)

(2). Where any endorsement of an extension of a lease under the provisions of section 17B of the Principal Act, hereby repealed, has been made on the instrument of lease, the holder of the lease shall lodge such instrument of lease at the office of the Western Land Board for the cancellation of the endorsement within the time and subject to the penalty prescribed by the regulations.

Clause 4(3)

(3) Any lease in respect of which an application for extension has been made in pursuance of any section repealed by this Act, shall be held subject in all respects to the provisions of the Western Lands Act of 1901, as amended by subsequent Acts, and this Act.

Clause 5.

5. The Act mentioned in the Schedule to this Act is, to the extent therein indicated, hereby repealed.

Repeals.

SCHEDULE.

(See details in Bill).