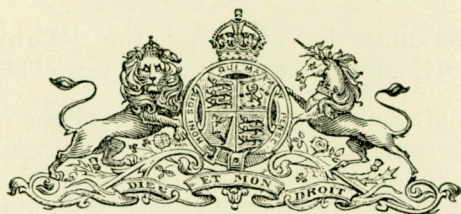


New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

Act No. 29, 1938.

An Act to make further provision in relation to closer settlement; to extend for a further period certain provisions of the Crown Lands (Amendment) Act, 1932; to provide for the waiver or remission of certain payments in connection with the indebtedness of discharged soldiers; to validate certain matters; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Crown Lands (Amendment) Act, 1932, the Returned Soldiers Settlement Act, 1916, the Farmers' Relief Act, 1932-1937, the Closer Settlement Acts, and certain other Acts in certain respects; to repeal the Crown Lands (Amendment) Act, 1935; and for purposes connected therewith. [Assented to, 14th December, 1938.]

Crown Lands and Closer Settlement (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 "Crown Lands and Closer Settlement (Amendment) Act, 1938."

Repeals. 2. The enactments mentioned in the Schedule to this Act are, to the extent therein indicated, hereby repealed.

Amendment
of Act No.
87, 1904.

Sec. 27.

(Lodgment of
applications.)

3. (1) The Closer Settlement Act, 1904, is amended—

(a) by inserting at the end of section twenty-seven the following words :—

In any case where the settlement purchase applied for is within a settlement purchase area which has been set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the application shall also be accompanied by the undertaking referred to in that subsection.

Sec. 36.
(For-
feiture.)

(b) by inserting in section thirty-six after the words "complied with" the words "or if, in the case of a holding within a settlement purchase area set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the purchaser neglects or refuses to comply (either wholly or in part) with the undertaking given by him in accordance with that special condition."

Amendment
of Act No. 21,
1909.

Sec. 2.
(Definition.)

(2) The Closer Settlement (Amendment) Act, 1909, is amended—

(a) by inserting in section two after the definition of "Home maintenance area" the following new definition :—

"Rural Bank" means the Rural Bank of New South Wales.

(b)

Crown Lands and Closer Settlement (Amendment).

- (b) (i) by inserting next after subsection one of section twenty-one the following new subsection:— Sec. 21.
(Setting apart.)

(1A) Any settlement purchase area may be set apart subject to a special condition that every application for a settlement purchase out of that settlement purchase area shall be accompanied by an undertaking by the applicant in or to the effect of the Schedule to this Act.

- (ii) by inserting at the end of subsection five of the same section the following words:—

In any case where the settlement purchase area is set apart subject to a special condition imposed under subsection (1A) of this section the notification shall set out the special condition so imposed.

- (c) by inserting next after section twenty-five the following Schedule:— New
Schedule.

SCHEDULE.

Sec. 21.
(1A).

Undertaking by Applicant for a Settlement Purchase.

To the Minister for Lands,

I, _____, of _____, being an applicant for a Settlement Purchase within _____ Settlement Purchase Area, undertake that I will in the event of my application being allowed by the Local Land Board—

- (a) if called upon so to do by the Minister for Lands within a period of one year after the date upon which such application is so allowed, immediately apply to the Rural Bank for the maximum advances which the Rural Bank may be prepared to make upon the security of a mortgage or mortgages over the land allowed to me as a settlement purchase;
- (b) do all other things required by the Rural Bank to enable early consideration to be given to my application for the advances;
- (c) accept any advances which the Rural Bank may be prepared to make;
- (d) upon request and without delay do all things and sign all documents required by the Rural Bank in connection with any advances to be made by it; and
- (e) apply the whole of such advances in payment of the moneys owing by me in respect of the settlement purchase.

This

Crown Lands and Closer Settlement (Amendment).

This undertaking is given on the basis that the Rural Bank may make an advance to me from either its Rural Bank Department or from its Closer Settlement Agency or partly from one and partly from the other AND also that the terms of the advances to be made may be such as the Rural Bank may see fit to allow subject to the proviso that during the period of five years commencing on the date of commencement of title to my settlement purchase and notwithstanding that any mortgage or mortgages may provide for other payments or obligations I shall be entirely relieved of any obligation to pay to the Rural Bank any amount in excess of that which I would have been bound to pay in respect of the settlement purchase if the advances had never been made AND subject also to the further proviso that after the expiration of the said period of five years and notwithstanding that interest under the mortgage or mortgages may be payable to the Rural Bank at a higher rate I shall be entirely relieved of any obligation to pay that part (if any) of the interest which exceeds five per centum per annum on the amount secured from time to time AND upon the further basis that nothing herein or in any law or regulation contained shall prevent the Rural Bank from exercising any rights whatsoever under its mortgage or mortgages from me (subject to the limitation hereinbefore contained as to the payment obligations during the first period of five years and also to the limitation hereinbefore contained as to the interest rate after the expiration of the said period of five years) in the same manner as if this undertaking had never been given.

Dated at _____, this _____ day of _____, one thousand nine hundred and thirty _____.

Signed by the said _____

.....
 in my presence }

Amendment
of Act No.
69, 1932.

Sec. 3.

(Reduction
of interest
and annual
rental.)

4. The Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, is amended—

- (a) by omitting from section three the words “six years” wherever occurring and by inserting in lieu thereof the words “nine years”;
- (b) by inserting at the end of subsection three of the same section the following proviso:—

Provided that where the annual rental for the second or any succeeding period of any lease to which the provisions of section one hundred and forty-three

Crown Lands and Closer Settlement (Amendment).

forty-three of the Crown Lands Consolidation Act, 1913, apply, is determined as provided in that section, such annual rental shall, as from the commencement of such second or subsequent period, be the annual rental of the lease but shall be subject to the reduction prescribed by subsection one of this section, and as so reduced shall continue to be the annual rental payable for the balance of the period of nine years referred to in this subsection.

5. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended by inserting after paragraph (b) of subsection one of section twenty-one the following new paragraphs:—

Amendment
of Act No.
21, 1916.

Sec. 21.

(Power
of Minister
to waive
or remit
certain
indebted-
ness.)

(b1) remit to any discharged soldier an amount equivalent to the whole or part of the interest on the balance of purchase money paid, pursuant to section fifteen of the Closer Settlement (Amendment) Act, 1914, up to the first day of December, one thousand nine hundred and fourteen, or where the settlement purchase was made or acquired after that day, up to the first day of December next after the date of the settlement purchase application;

(b2) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest added to the balance of purchase money owing on a settlement purchase in pursuance of the provisions of section fifteen of the Closer Settlement (Amendment) Act, 1914;

(b3) remit to any discharged soldier an amount equivalent to the whole or part of the interest on the balance of purchase money in respect of a group purchase paid pursuant to regulations made under this Act, for the period from the date when the then last annual instalment fell due up to the first day of September, one thousand nine hundred and twenty-five, or where the group purchase

Crown Lands and Closer Settlement (Amendment).

purchase was confirmed after that day, up to the first day of September next after the date of confirmation of the group purchase;

- (b4) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest for the period from the date when the then last annual instalment fell due up to the first day of September, one thousand nine hundred and twenty-five which was added to the balance of purchase money in respect of a group purchase pursuant to regulations made under this Act.

Amendment
of Act No.
33, 1932.
Sec. 34g.

6. The Farmers' Relief Act, 1932-1937, is amended by inserting at the end of section 34g the following new paragraph:—

(Power to
write off
debts in
certain
cases.)

(c) the Minister for Lands may write off either wholly or in part—

- (i) any rent or interest due or owing to the Crown under the Crown Lands Consolidation Act, 1913 (except Part VI thereof), the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934, or any of those Acts as amended by subsequent Acts; or
- (ii) any amount secured by any mortgage or charge in favour of the Minister for Lands.

Commence-
ment.

7. (1) (a) Subsection two of this section shall be deemed to have commenced on the thirtieth day of December, one thousand nine hundred and thirty-two.

(b) Subsection three of this section shall be deemed to have commenced on the twenty-sixth day of February, one thousand nine hundred and thirty-five.

Amendment
of Act No.
7, 1913.
Sec. 52.
(Term and
rent of
conditional
lease.)

(2) The Crown Lands Consolidation Act, 1913, is amended—

- (a) by omitting from section fifty-two the word "leases" and by inserting in lieu thereof the word "lease";
- (b)

Crown Lands and Closer Settlement (Amendment).

(b) (i) by omitting from section one hundred and seven the word "leases" where firstly occurring and by inserting in lieu thereof the word "lease";

Sec. 107.
(Term and rent of conditional purchase lease.)

(ii) by omitting from the same section all words commencing with the words "Where an instrument of lease has issued" down to and including the words "within one month after being called upon to do so."

(c) by omitting paragraph (a) of subsection seven of section one hundred and nine and by inserting in lieu thereof the following paragraph:—

Sec. 109.
(Conditional purchase leases.
Conversion into conditional purchases and conditional leases.)

(a) (i) where, at the date of application for conversion, the title to the conditional purchase lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

(ii) where, at the date of application for conversion, the term of the conditional purchase lease was for fifty years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original conditional purchase lease.

(d)

Crown Lands and Closer Settlement (Amendment).

Sec. 134.
(Crown-
lease:
Term and
rent.)

(d) by omitting paragraph (b) of section one hundred and thirty-four and by inserting in lieu thereof the following paragraph—

(b) if the Crown-lease has been extended to a lease in perpetuity as to part only of the land comprised therein—

(i) the Crown-lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the Crown-lease; and where any person has an interest as mortgagee or otherwise in the Crown-lease so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the Crown-lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so;

(ii) the new leases shall commence on the date of publication in the Gazette of the notification that the Minister has granted the application and the term of the new lease for such residue shall be the balance of the term of the Crown-lease subsisting at that date;

(iii)

Crown Lands and Closer Settlement (Amendment).

- (iii) no additional condition of residence or of fencing shall attach to such new leases;
- (iv) the new leases shall, subject to this section, be held subject to the conditions appertaining to the Crown-lease at the date of the application.

Subject to this section the general provisions and conditions relating to Crown-leases shall apply to the new leases issued in pursuance of this section.

Any number of Crown-leases held in the same interest and whether original or additional or both may be included in one application under this section; but an original Crown-lease and any additional Crown-lease held in virtue thereof in the same interest shall be included in one application.

- (e) by omitting paragraph one of section one hundred and eighty-five and by inserting in lieu thereof the following paragraph:—

Sec. 185.
(Conversion of settlement lease or Crown-lease: Conditions upon conversion.)

(1) (a) Where, at the date of application for conversion, the title to the settlement lease or Crown-lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

(b) Where, at the date of application for conversion, the settlement lease or Crown-lease was for a term of years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years

Crown Lands and Closer Settlement (Amendment).

years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original settlement lease or the original Crown-lease, as the case may be.

Sec. 194.

(Conversion of certain holdings into homestead farms.)

- (f) by omitting from paragraph four of section one hundred and ninety-four the words "towards the rent of the homestead farm" and by inserting in lieu thereof the words "to the applicant for conversion and applied either towards the rent of the homestead farm or, if the Minister with the consent of the applicant so directs, in or towards satisfaction of any other debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund."

Further amendment of Act No. 7, 1913.
Sec. 202.
 (Enclosure of roads and water-courses.)

- (3) The Crown Lands Consolidation Act, 1913, is further amended by omitting from subsection nine of section two hundred and two the words "No refund shall be made in the case of any cancellation of such permission."

Validation.

- (4) Any action, by or under the authority of the Minister, taken on any application lodged before the twenty-sixth day of February, one thousand nine hundred and thirty-five, in connection with the payment by the applicant of the capital value of improvements by instalments whereby the first of such instalments was made payable on a date other than the date upon which such first instalment became payable under section two hundred and sixteen of the Crown Lands Consolidation Act, 1913, whether as originally enacted or as amended from time to time, is hereby validated.

Crown Lands and Closer Settlement (Amendment).

8. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

- (a) by inserting at the end of section twenty the following new subsection:—

Sec. 20.

(Reference by Minister to Land and Valuation Court.)

(2) In any case where a report or recommendation is made by a local land board or chairman or special land board, as the case may be, to the Minister, whether in pursuance of a reference under section seventeen or otherwise under this Act and no appeal or reference has been made to the Land and Valuation Court with respect thereto, and the Minister is of opinion that further consideration of such report or recommendation is necessary or advisable, he may return it for such purpose, and the local land board or chairman or special land board as the case may be, may, with or without taking further evidence, uphold, reverse, alter, or amend its or his previous report or recommendation as it or he may consider just: Provided that the Minister shall not return any such report or recommendation more than once.

The report or recommendation made on such further consideration may be the subject of an appeal or reference to the Land and Valuation Court.

- (b) (i) by omitting from section twenty-six the words "which rules and regulations upon notification in the Gazette shall have the full force of law";

Sec. 26.

(Appointment of trustees.)

- (ii) by inserting at the end of the same section the following new subsections:—

(2) Trustees appointed under subsection one of this section, or appointed under any of the provisions of the Public Trusts Act, 1897, other than section one of that Act, shall

have

Crown Lands and Closer Settlement (Amendment).

have and shall be deemed always to have had power to make rules and regulations not inconsistent with this or any other Act or with any terms, conditions and limitations imposed upon the trustees pursuant to any Act—

- (a) for the care and management of the land of which they are the trustees;
- (b) for the protection of shrubs, trees and herbage growing upon such land;
- (c) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (d) for the regulation of meetings of the trustees and the conduct of business thereat;
- (e) imposing a penalty not exceeding twenty pounds for any breach of the rules and regulations.

This subsection shall not apply in any case where, under the provisions of any other Act, power is conferred on the Governor, the Minister or the trustees to make rules and regulations, by-laws or ordinances for or with respect to any of the matters referred to in the foregoing provisions of this subsection in relation to the land of which the trustees have been so appointed trustees.

(3) All rules and regulations made under this section after the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, shall—

- (a) after approval by the Governor be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the rules and regulations; and

(c)

Crown Lands and Closer Settlement (Amendment).

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

(4) A copy of such rules and regulations shall be posted in some conspicuous place in such land.

- (c) by omitting subsection two of section fifty-seven and by inserting in lieu thereof the following subsection:—

(2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Sec. 57.
(Conversion of conditional lease into additional conditional purchase.)

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

- (d) by inserting at the end of subsection three of section one hundred and nine the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the

Sec. 109.
(Conversion: Conditional purchase lease into conditional purchase and conditional lease.)

Crown Lands and Closer Settlement (Amendment).

the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

Sec. 123.
(Homestead
farm:
Inquiry
by board
and issue
of grant.)

- (e) by inserting at the end of section one hundred and twenty-three the following new subsection—

(3) No transfer of the lands described in the grant of a homestead farm shall be registered by the Registrar-General unless the Minister certifies, in the prescribed form, that all the conditions of the grant have been duly performed up to the date of such certificate, and the registration of such transfer shall be evidence of the performance of all the conditions under the grant up to the date of the aforesaid certificate.

Sec. 123A.
(Right of
conversion.)

- (f) by inserting next after subsection two of section 123A the following new subsections—

(2A) Rent in respect of the homestead farm shall be paid up to the date of the application for conversion, and upon default in the payment thereof within the time allowed by the Minister the approval of the application for conversion may be cancelled.

(2B) Where upon adjustment of moneys after approval of the conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

(g)

Crown Lands and Closer Settlement (Amendment).

(g) (i) by inserting in subsection one of section one hundred and eighty-three after the word "section" the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

Sec. 183.
(Conversion of homestead selection or grant or homestead farm.)

(ii) by inserting after subsection two of the same section the following new subsection—

(2A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

(h) (i) by inserting at the end of paragraph (h) of subsection one of section one hundred and eighty-four the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

Sec. 184.
(Conversion of settlement lease or Crown-lease.)

(ii)

Crown Lands and Closer Settlement (Amendment).

- (ii) by inserting next after the same subsection the following new subsection:—

(1A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

Sec. 190.
(Conversion
of special
lease or
church and
school lands
lease.)

- (i) (i) by inserting at the end of subsection one of section one hundred and ninety the following word and new paragraph:—

or

(g) a Crown-lease or an additional Crown-lease;

- (ii) by inserting in paragraph (a) of subsection two of the same section after the words “mineral field” the words “or within any reserve for mining or mining purposes within the meaning of section one hundred and six of the Mining Act, 1906-1935”;

- (iii) by inserting in paragraph (b) of the same subsection after the words “local land board” the word “substantially”;

- (iv) by inserting in paragraph (d) of the same subsection after the words “approval of” the words “and subject to such special conditions as may be recommended by”;

(v) |

Crown Lands and Closer Settlement (Amendment).

(v) by inserting at the end of the same subsection the following word and new paragraph:—

and

(e) a conversion shall not be allowed of land reserved from sale for public recreation or from sale for future public requirements;

(vi) by inserting in subsection five of the same section after the word “it” where secondly occurring the words and parentheses “shall also report as to what special conditions (if any) should attach to the holding after conversion and”;

(vii) by inserting in subsection seven of the same section after the words “homestead farm” the symbols and words “—or additional homestead farm—or Crown-lease—or additional Crown-lease”;

(viii) by inserting in the same subsection after the word “respectively” the words and parentheses “and also to the special conditions (if any) which the Minister on the recommendation of the local land board, may impose”;

(ix) by inserting at the end of the same subsection the following new paragraph:—

(d) where the conversion is into a Crown-lease or an additional Crown-lease the annual rent shall be the rent determined by the local land board pursuant to subsection five of this section;

(x) by inserting in subsection eight of the same section after the words “additional homestead farm” the words “or the Crown-lease or the additional Crown-lease”;

Crown Lands and Closer Settlement (Amendment).

Sec. 194.
(Conversion
of certain
holdings
into home-
stead
farms.)

(j) (i) by inserting in section one hundred and ninety-four after the word "purchase" where firstly occurring the words "or conditional lease";

(ii) by inserting next after paragraph two of the same section the following new paragraph:—

(2A) Where the holding the subject of the application for conversion is a conditional lease which was formerly comprised in a settlement lease, the application shall not be approved as to so much of the land comprised in that conditional lease as constitutes an area which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act and has not been declared to be convertible under the provisions of section 188A of this Act.

Sec. 199.
(Contribu-
tion to cost
and main-
tenance of
fencing.)

(k) by inserting at the end of section one hundred and ninety-nine the words and figures—

For the purposes of this section the expressions "lease other than an annual lease" and "lease from the Crown" shall be construed as including a lease under the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934;

Sec. 202.
(Enclosure
of roads
and water-
courses.)

(l) (i) by omitting from subsection one of section two hundred and two the words "and within the prescribed time";

(ii) by omitting from the same subsection the words and figures "A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate";

(iii)

Crown Lands and Closer Settlement (Amendment).

- (iii) by omitting from subsection six of the same section the words "the person occupying or using the land embraced by such road or watercourse" and by inserting in lieu thereof the words "the holder for the time being of the holding under the Crown Lands Acts or of the freehold with which such road or watercourse is enclosed";
- (iv) by inserting in the same subsection after the words "may be" the words "or may have been";
- (v) by inserting in the same subsection after the word "being" the words "or having been";
- (m) (i) by omitting from subsection three of section two hundred and six the word "final"; Sec. 206. (Operation of forfeiture.)
- (ii) by inserting in subsection four of the same section next after the words "suburban holding" the words and figures "or of a purchase of the land comprised in a residential lease, week-end lease, or lease of town lands under section 82A of this Act";
- (n) by inserting at the end of section two hundred and forty the following words:— Sec. 240. (Minors.)

Where a person between the ages of sixteen and twenty-one years is the owner of a holding under this Act and is also entitled absolutely to any other land which is held or used in conjunction with that holding, such person may make or give an agreement or mortgage under the authority of this section in relation to such other land together with the holding;

- (o) (i) by omitting from paragraph (a) of subsection one of section two hundred and seventy-four the words and symbols "—in the case of a homestead farm or Crown lease—of the Minister," and by inserting in lieu thereof the words "of the Minister substantially"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

Crown Lands and Closer Settlement (Amendment).

- (ii) by inserting in subsection two of the same section after the word "transfer" where firstly occurring the words and symbols "—except by way of mortgage or release of mortgage—";
- (iii) by omitting from the same subsection the words and symbols "in the prescribed form—in the case of a homestead farm or Crown-lease—to the Minister" and by inserting in lieu thereof the words "to the Minister in the prescribed form";
- (iv) by omitting the proviso to the same subsection;

Sec. 307.

(Conversion of existing conditional leases into additional conditional purchases.)

- (p) by omitting subsection two of section three hundred and seven, and by inserting in lieu thereof the following subsection:—

(2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

9. The Crown Lands Consolidation Act, 1913, is further amended—

- (a) (i) by omitting from the short heading to section one hundred and sixty-five the words "pastoral or homestead lease or";
- (ii) by omitting from the same section the words "pastoral or homestead lease or" wherever occurring;

(iii)

Further amendment of Act No. 7, 1913.

Sec. 165.
(Reverter to pastoral or homestead lease or occupation license.)

Crown Lands and Closer Settlement (Amendment).

- (iii) by omitting from subsection one of the same section the words "lease or" where thirdly, fourthly and fifthly occurring;
- (iv) by omitting from the same subsection the words "pastoral lease or" wherever occurring;
- (v) by omitting from subsection two of the same section the words "as the case may be";
- (vi) by omitting from the same subsection the words "lease or" where lastly occurring;
- (vii) by omitting from subsection three of the same section the words "lease or" wherever occurring;
- (viii) by omitting from the same subsection the words "rent or" wherever occurring;
- (b) (i) by omitting from subsection one of section one hundred and ninety-three the words "any pastoral or homestead lease in the Western Division or of";
 - (ii) by omitting from the same subsection the words "not being within a pastoral or homestead lease or" and by inserting in lieu thereof the words "or of any";
 - (iii) by omitting from the same subsection the words "in the case of a pastoral or homestead lease in the Western Division not exceeding six hundred and forty acres in area and in any other case under the section" and by inserting in lieu thereof the words "not substantially exceeding";
 - (iv) by omitting from the same subsection the words "home maintenance area" where secondly occurring and by inserting in lieu thereof the word "portion";
 - (v) by omitting from paragraph (g) of the same subsection the words "an improvement lease or scrub lease" and by inserting in lieu thereof the words "a lease of any of the kinds hereinbefore particularised";
- (c) by omitting from subsection one of section 193A the words "Upon application as prescribed";
 - (b)

Sec. 193.

(Conversion of certain leases into homestead selections or grants.)

Sec. 193A.

(Conversion of prickly-pear leases.)

Crown Lands and Closer Settlement (Amendment).

Sec. 211.
(Forfeiture
for want of
good faith.)

(d) by omitting from section two hundred and eleven the words "The provisions of this section shall, so far as applicable, extend to homestead leases recommended for approval on or after the first day of June, one thousand eight hundred and ninety-five";

Sec. 219.
(When
improvements
become the
property of
the Crown.)

(e) by omitting paragraph (a) of the proviso to section two hundred and nineteen;

Sec. 232.
(Survey of
boundaries
of pastoral
and home-
stead leases
and occupation
licenses.)

(f) (i) by omitting from section two hundred and thirty-two the words "pastoral or homestead lease or";

(ii) by omitting from the same section the words "a pastoral lease or occupation license" and by inserting in lieu thereof the words "the occupation license";

(iii) by omitting from the same section the words "If the survey be made otherwise than at the request of the holder of the pastoral lease, or in the case of a homestead lease whether at the request of the holder thereof or otherwise, the Minister may, upon such survey being made, demand from the holder of the pastoral lease or homestead lease, as the case may be, towards defraying the cost thereof, any sum not exceeding twenty shillings for each linear mile of the boundary so surveyed";

(iv) by omitting from the same section the words "the pastoral or homestead lease or occupation license, as the case may be," and by inserting in lieu thereof the words "the occupation license";

Sec. 233.
(Withdrawal
from lease
or license.)

(g) by omitting from subsection two of section two hundred and thirty-three the words "any pastoral or homestead lease in the Western Division, or from";

(h)

Crown Lands and Closer Settlement (Amendment).

- (h) by omitting from section two hundred and thirty-six the words and symbol "or a homestead lease—"; Sec. 236.
(Devise, contract, etc., void in certain cases.)
- (i) by omitting from subsection one of section two hundred and fifty the words "homestead lease"; Sec. 250.
(Impounding and actions for trespass.)
- (j) (i) by omitting from subsection one of section two hundred and seventy the words "or homestead lessee" wherever occurring; Sec. 270.
(Transfer under legal process, etc.)
(ii) by omitting from the same subsection the words "or lessee";
- (k) by omitting from section two hundred and seventy-five the words and parenthesis "a pastoral lease or occupation license) then of such pastoral lease or occupation license" and by inserting in lieu thereof the words and parenthesis "an occupation license) then of such occupation license." Sec. 275.
(Adjustment of boundaries.)
- 10.** (1) The Closer Settlement Act, 1904, is further amended— Further amendment of Act No. 37, 1904.
- (a) by omitting from section twenty-eight the word "Saturday" and by inserting in lieu thereof the word "Friday"; Sec. 28.
(Applications, inquiry, and disposal by land board, appeal barred.)
- (b) (i) by omitting from section forty-six the words "the person occupying or using the land embraced by such road" and by inserting in lieu thereof the words "the holder for the time being of the purchase or lease under this Act with which such road is enclosed"; Sec. 46.
(Enclosure of roads.)
(ii) by inserting in the same section after the words "may be" where secondly occurring the words "or may have been";
(iii) by inserting in the same section after the words "upon the matter being" the words "or having been."

Crown Lands and Closer Settlement (Amendment).

Amendment
of Act No. 7,
1914.

Sec. 4.

(After-auction
sale or lease
at upset price.)

(2) The Closer Settlement (Amendment) Act, 1914, is amended by inserting in subsection one of section four after the words "within a settlement purchase area" the words "or any land acquired under the Closer Settlement Acts."

Amendment
of Act No.
48, 1918.

Sec. 3.

(Subdivision
of settle-
ment pur-
chases.)

(3) The Closer Settlement (Amendment) Act, 1918, is amended by omitting from section three the words "The Minister may grant, refuse, or modify any application under this section, and may apportion the capital value of the settlement purchase between the subdivided parts" and by inserting in lieu thereof the following words—

The Minister shall have and shall be deemed always to have had power to grant with or without modification any application under this section and to apportion the capital value of the settlement purchase between the subdivided parts, as from the date specified by him at the time of such granting, which date shall be a date not earlier than the first day of December next preceding the date of the application and not later than the first day of December next following the date of the granting of the application. The Minister may refuse any such application.

Amendment
of Act No.
46, 1919.

Sec. 12.

(Charge of
purchase
money on
land.)

(4) The Closer Settlement (Amendment) Act, 1919, is amended by inserting at the end of section twelve the following new subsection:—

(2) Where a subdivision is effected of the land or portion subject to a charge under this section, or where part of the land or portion subject to any such charge is transferred the Minister may apportion the amount of such charge equitably between the respective parts resulting from such subdivision or transfer.

An apportionment may be made under this subsection in any case where the subdivision was effected or part of the land or portion was transferred before
the

Crown Lands and Closer Settlement (Amendment).

the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, as well as in any case where the subdivision is effected or part of the land or portion is transferred after such commencement.

SCHEDULE.

Sec. 2.

Number of Act.	Short Title.	Extent of Repeal.
1917, No. 27...	Crown Lands (Amendment) Act, 1917.	So much of section 4 as inserted " A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate " in section 202 (1) of the Principal Act. So much of section 4 as inserted the proviso in section 274 (2) of the Principal Act.
1932, No. 69...	Crown Lands (Amendment) Act, 1932.	Paragraphs (g) and (h) of section 10.
1935, No. 6 ...	Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.	Paragraphs (f) and (o) of subsection one of section 6.
1935, No. 51...	Crown Lands (Amendment) Act, 1935.	The whole Act.

By Authority:

DAVID HAROLD PAISLEY, Government Printer, Sydney, 1939.

[1s.]

THE STATE OF TEXAS, COUNTY OF [illegible]

I, the undersigned, a Notary Public in and for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original of the same as the same appears from the records of my office.

NOTARIAL PUBLIC

My commission expires on the [illegible] day of [illegible] 19[illegible].

Witness my hand and seal this [illegible] day of [illegible] 19[illegible].

Notary Public in and for the State of Texas.

My office is located at [illegible] [illegible] [illegible].

By Notary: [illegible]

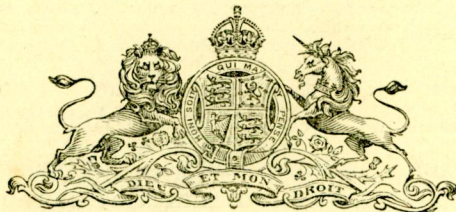
I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 December, 1938.*

New South Wales.



ANNO TERTIO

GEORGII VI REGIS.

Act No. 29, 1938.

An Act to make further provision in relation to closer settlement; to extend for a further period certain provisions of the Crown Lands (Amendment) Act, 1932; to provide for the waiver or remission of certain payments in connection with the indebtedness of discharged soldiers; to validate certain matters; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Crown Lands (Amendment) Act, 1932, the Returned Soldiers Settlement Act, 1916, the Farmers' Relief Act, 1932-1937, the Closer Settlement Acts, and certain other Acts in certain respects; to repeal the Crown Lands (Amendment) Act, 1935; and for purposes connected therewith. [Assented to, 14th December, 1938.]

IN THE NAME OF THE KING

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

W. W. HEDGES,

Chairman of Committees of the Legislative Assembly.

Crown Lands and Closer Settlement (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 "Crown Lands and Closer Settlement (Amendment) Act, 1938."

Repeals. 2. The enactments mentioned in the Schedule to this Act are, to the extent therein indicated, hereby repealed.

Amendment of Act No. 27, 1904.
Sec. 27.
 (Lodgment of applications.)

3. (1) The Closer Settlement Act, 1904, is amended—

(a) by inserting at the end of section twenty-seven the following words:—

In any case where the settlement purchase applied for is within a settlement purchase area which has been set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the application shall also be accompanied by the undertaking referred to in that subsection.

Sec. 36.
 (Forfeiture.)

(b) by inserting in section thirty-six after the words "complied with" the words "or if, in the case of a holding within a settlement purchase area set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the purchaser neglects or refuses to comply (either wholly or in part) with the undertaking given by him in accordance with that special condition."

Amendment of Act No. 21, 1909.

(2) The Closer Settlement (Amendment) Act, 1909, is amended—

Sec. 2.
 (Definition.)

(a) by inserting in section two after the definition of "Home maintenance area" the following new definition:—

"Rural Bank" means the Rural Bank of New South Wales.

(b)

Crown Lands and Closer Settlement (Amendment).

- (b) (i) by inserting next after subsection one of section twenty-one the following new subsection:— Sec. 21.
(Setting apart.)

(1A) Any settlement purchase area may be set apart subject to a special condition that every application for a settlement purchase out of that settlement purchase area shall be accompanied by an undertaking by the applicant in or to the effect of the Schedule to this Act.

- (ii) by inserting at the end of subsection five of the same section the following words:—

In any case where the settlement purchase area is set apart subject to a special condition imposed under subsection (1A) of this section the notification shall set out the special condition so imposed.

- (c) by inserting next after section twenty-five the following Schedule:— New
Schedule.

SCHEDULE.

Sec. 21.
(1A).

Undertaking by Applicant for a Settlement Purchase.

To the Minister for Lands,

I, _____, of _____, being an applicant for a Settlement Purchase within _____ Settlement Purchase Area, undertake that I will in the event of my application being allowed by the Local Land Board—

- (a) if called upon so to do by the Minister for Lands within a period of one year after the date upon which such application is so allowed, immediately apply to the Rural Bank for the maximum advances which the Rural Bank may be prepared to make upon the security of a mortgage or mortgages over the land allowed to me as a settlement purchase;
- (b) do all other things required by the Rural Bank to enable early consideration to be given to my application for the advances;
- (c) accept any advances which the Rural Bank may be prepared to make;
- (d) upon request and without delay do all things and sign all documents required by the Rural Bank in connection with any advances to be made by it; and
- (e) apply the whole of such advances in payment of the moneys owing by me in respect of the settlement purchase.

This

Crown Lands and Closer Settlement (Amendment).

This undertaking is given on the basis that the Rural Bank may make an advance to me from either its Rural Bank Department or from its Closer Settlement Agency or partly from one and partly from the other AND also that the terms of the advances to be made may be such as the Rural Bank may see fit to allow subject to the proviso that during the period of five years commencing on the date of commencement of title to my settlement purchase and notwithstanding that any mortgage or mortgages may provide for other payments or obligations I shall be entirely relieved of any obligation to pay to the Rural Bank any amount in excess of that which I would have been bound to pay in respect of the settlement purchase if the advances had never been made AND subject also to the further proviso that after the expiration of the said period of five years and notwithstanding that interest under the mortgage or mortgages may be payable to the Rural Bank at a higher rate I shall be entirely relieved of any obligation to pay that part (if any) of the interest which exceeds five per centum per annum on the amount secured from time to time AND upon the further basis that nothing herein or in any law or regulation contained shall prevent the Rural Bank from exercising any rights whatsoever under its mortgage or mortgages from me (subject to the limitation hereinbefore contained as to the payment obligations during the first period of five years and also to the limitation hereinbefore contained as to the interest rate after the expiration of the said period of five years) in the same manner as if this undertaking had never been given.

Dated at _____, this _____ day of _____, one thousand nine hundred and thirty _____.

Signed by the said _____

..... }
in my presence }
..... }

Amendment of Act No. 69, 1932. Sec. 3. (Reduction of interest and annual rental.)

4. The Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, is amended—

- (a) by omitting from section three the words “six years” wherever occurring and by inserting in lieu thereof the words “nine years”;
- (b) by inserting at the end of subsection three of the same section the following proviso :—

Provided that where the annual rental for the second or any succeeding period of any lease to which the provisions of section one hundred and forty-three

Crown Lands and Closer Settlement (Amendment).

forty-three of the Crown Lands Consolidation Act, 1913, apply, is determined as provided in that section, such annual rental shall, as from the commencement of such second or subsequent period, be the annual rental of the lease but shall be subject to the reduction prescribed by subsection one of this section, and as so reduced shall continue to be the annual rental payable for the balance of the period of nine years referred to in this subsection.

5. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended by inserting after paragraph (b) of subsection one of section twenty-one the following new paragraphs:—

Amendment
of Act No.
21, 1916.
Sec. 21.
(Power
of Minister
to waive
or remit
certain
indebted-
ness.)

- (b1) remit to any discharged soldier an amount equivalent to the whole or part of the interest on the balance of purchase money paid, pursuant to section fifteen of the Closer Settlement (Amendment) Act, 1914, up to the first day of December, one thousand nine hundred and fourteen, or where the settlement purchase was made or acquired after that day, up to the first day of December next after the date of the settlement purchase application;
- (b2) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest added to the balance of purchase money owing on a settlement purchase in pursuance of the provisions of section fifteen of the Closer Settlement (Amendment) Act, 1914;
- (b3) remit to any discharged soldier an amount equivalent to the whole or part of the interest on the balance of purchase money in respect of a group purchase paid pursuant to regulations made under this Act, for the period from the date when the then last annual instalment fell due up to the first day of September, one thousand nine hundred and twenty-five, or where the group purchase

Crown Lands and Closer Settlement (Amendment).

purchase was confirmed after that day, up to the first day of September next after the date of confirmation of the group purchase;

- (b4) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest for the period from the date when the then last annual instalment fell due up to the first day of September, one thousand nine hundred and twenty-five which was added to the balance of purchase money in respect of a group purchase pursuant to regulations made under this Act.

Amendment
of Act No.
33, 1932.

Sec. 34G.

(Power to
write off
debts in
certain
cases.)

6. The Farmers' Relief Act, 1932-1937, is amended by inserting at the end of section 34G the following new paragraph:—

- (c) the Minister for Lands may write off either wholly or in part—
- (i) any rent or interest due or owing to the Crown under the Crown Lands Consolidation Act, 1913 (except Part VI thereof), the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934, or any of those Acts as amended by subsequent Acts; or
- (ii) any amount secured by any mortgage or charge in favour of the Minister for Lands.

Commence-
ment.

7. (1) (a) Subsection two of this section shall be deemed to have commenced on the thirtieth day of December, one thousand nine hundred and thirty-two.

(b) Subsection three of this section shall be deemed to have commenced on the twenty-sixth day of February, one thousand nine hundred and thirty-five.

Amendment
of Act No.
7, 1913.

Sec. 52.
(Term and
rent of
conditional
lease.)

(2) The Crown Lands Consolidation Act, 1913, is amended—

- (a) by omitting from section fifty-two the word "leases" and by inserting in lieu thereof the word "lease";
- (b)

Crown Lands and Closer Settlement (Amendment).

(b) (i) by omitting from section one hundred and seven the word "leases" where firstly occurring and by inserting in lieu thereof the word "lease";

Sec. 107.
(Term and rent of conditional purchase lease.)

(ii) by omitting from the same section all words commencing with the words "Where an instrument of lease has issued" down to and including the words "within one month after being called upon to do so."

(c) by omitting paragraph (a) of subsection seven of section one hundred and nine and by inserting in lieu thereof the following paragraph:—

Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(a) (i) where, at the date of application for conversion, the title to the conditional purchase lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

(ii) where, at the date of application for conversion, the term of the conditional purchase lease was for fifty years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original conditional purchase lease.

(d)

Crown Lands and Closer Settlement (Amendment).

Sec. 134.
(Crown-
lease:
Term and
rent.)

(d) by omitting paragraph (b) of section one hundred and thirty-four and by inserting in lieu thereof the following paragraph—

(b) if the Crown-lease has been extended to a lease in perpetuity as to part only of the land comprised therein—

(i) the Crown-lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the Crown-lease; and where any person has an interest as mortgagee or otherwise in the Crown-lease so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the Crown-lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so;

(ii) the new leases shall commence on the date of publication in the Gazette of the notification that the Minister has granted the application and the term of the new lease for such residue shall be the balance of the term of the Crown-lease subsisting at that date;

(iii)

Crown Lands and Closer Settlement (Amendment).

- (iii) no additional condition of residence or of fencing shall attach to such new leases;
- (iv) the new leases shall, subject to this section, be held subject to the conditions appertaining to the Crown-lease at the date of the application.

Subject to this section the general provisions and conditions relating to Crown-leases shall apply to the new leases issued in pursuance of this section.

Any number of Crown-leases held in the same interest and whether original or additional or both may be included in one application under this section; but an original Crown-lease and any additional Crown-lease held in virtue thereof in the same interest shall be included in one application.

- (e) by omitting paragraph one of section one hundred and eighty-five and by inserting in lieu thereof the following paragraph:—

Sec. 185.
(Conversion of settlement lease or Crown-lease: Conditions upon conversion.)

(1) (a) Where, at the date of application for conversion, the title to the settlement lease or Crown-lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

(b) Where, at the date of application for conversion, the settlement lease or Crown-lease was for a term of years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years

Crown Lands and Closer Settlement (Amendment).

years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original settlement lease or the original Crown-lease, as the case may be.

Sec. 194.
(Conversion of certain holdings into homestead farms.)

- (f) by omitting from paragraph four of section one hundred and ninety-four the words "towards the rent of the homestead farm" and by inserting in lieu thereof the words "to the applicant for conversion and applied either towards the rent of the homestead farm or, if the Minister with the consent of the applicant so directs, in or towards satisfaction of any other debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund."

Further amendment of Act No. 7, 1913.
Sec. 202.
(Enclosure of roads and water-courses.)

- (3) The Crown Lands Consolidation Act, 1913, is further amended by omitting from subsection nine of section two hundred and two the words "No refund shall be made in the case of any cancellation of such permission."

Validation.

- (4) Any action, by or under the authority of the Minister, taken on any application lodged before the twenty-sixth day of February, one thousand nine hundred and thirty-five, in connection with the payment by the applicant of the capital value of improvements by instalments whereby the first of such instalments was made payable on a date other than the date upon which such first instalment became payable under section two hundred and sixteen of the Crown Lands Consolidation Act, 1913, whether as originally enacted or as amended from time to time, is hereby validated.

Crown Lands and Closer Settlement (Amendment).

8. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

- (a) by inserting at the end of section twenty the following new subsection:—

Sec. 20.
(Reference by Minister to Land and Valuation Court.)

(2) In any case where a report or recommendation is made by a local land board or chairman or special land board, as the case may be, to the Minister, whether in pursuance of a reference under section seventeen or otherwise under this Act and no appeal or reference has been made to the Land and Valuation Court with respect thereto, and the Minister is of opinion that further consideration of such report or recommendation is necessary or advisable, he may return it for such purpose, and the local land board or chairman or special land board as the case may be, may, with or without taking further evidence, uphold, reverse, alter, or amend its or his previous report or recommendation as it or he may consider just: Provided that the Minister shall not return any such report or recommendation more than once.

The report or recommendation made on such further consideration may be the subject of an appeal or reference to the Land and Valuation Court.

- (b) (i) by omitting from section twenty-six the words "which rules and regulations upon notification in the Gazette shall have the full force of law";

Sec. 26.
(Appointment of trustees.)

- (ii) by inserting at the end of the same section the following new subsections:—

(2) Trustees appointed under subsection one of this section, or appointed under any of the provisions of the Public Trusts Act, 1897, other than section one of that Act, shall have

Crown Lands and Closer Settlement (Amendment).

have and shall be deemed always to have had power to make rules and regulations not inconsistent with this or any other Act or with any terms, conditions and limitations imposed upon the trustees pursuant to any Act—

- (a) for the care and management of the land of which they are the trustees;
- (b) for the protection of shrubs, trees and herbage growing upon such land;
- (c) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (d) for the regulation of meetings of the trustees and the conduct of business thereat;
- (e) imposing a penalty not exceeding twenty pounds for any breach of the rules and regulations.

This subsection shall not apply in any case where, under the provisions of any other Act, power is conferred on the Governor, the Minister or the trustees to make rules and regulations, by-laws or ordinances for or with respect to any of the matters referred to in the foregoing provisions of this subsection in relation to the land of which the trustees have been so appointed trustees.

(3) All rules and regulations made under this section after the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, shall—

- (a) after approval by the Governor be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the rules and regulations; and

(c)

Crown Lands and Closer Settlement (Amendment).

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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

(4) A copy of such rules and regulations shall be posted in some conspicuous place in such land.

- (c) by omitting subsection two of section fifty-seven and by inserting in lieu thereof the following subsection:—
- Sec. 57.
(Conversion of conditional lease into additional conditional purchase.)

(2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

- (d) by inserting at the end of subsection three of section one hundred and nine the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the
- Sec. 109.
(Conversion: Conditional purchase lease into conditional purchase and conditional lease.)

Crown Lands and Closer Settlement (Amendment).

the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

Sec. 123.
(Homestead
farm:
Inquiry
by board
and issue
of grant.)

- (e) by inserting at the end of section one hundred and twenty-three the following new subsection—

(3) No transfer of the lands described in the grant of a homestead farm shall be registered by the Registrar-General unless the Minister certifies, in the prescribed form, that all the conditions of the grant have been duly performed up to the date of such certificate, and the registration of such transfer shall be evidence of the performance of all the conditions under the grant up to the date of the aforesaid certificate.

Sec. 123A.
(Right of
conversion.)

- (f) by inserting next after subsection two of section 123A the following new subsections—

(2A) Rent in respect of the homestead farm shall be paid up to the date of the application for conversion, and upon default in the payment thereof within the time allowed by the Minister the approval of the application for conversion may be cancelled.

(2B) Where upon adjustment of moneys after approval of the conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

(g)

Crown Lands and Closer Settlement (Amendment).

(g) (i) by inserting in subsection one of section one hundred and eighty-three after the word "section" the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

Sec. 183.
(Conversion of home-
stead
selection
or grant
or home-
stead
farm.)

(ii) by inserting after subsection two of the same section the following new subsection—

(2A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

(h) (i) by inserting at the end of paragraph (h) of subsection one of section one hundred and eighty-four the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

Sec. 184.
(Conversion of settlement
lease or
Crown-lease.)

(ii)

Crown Lands and Closer Settlement (Amendment).

- (ii) by inserting next after the same subsection the following new subsection:—

(1A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

Sec. 190.
(Conversion
of special
lease or
church and
school lands
lease.)

- (i) (i) by inserting at the end of subsection one of section one hundred and ninety the following word and new paragraph:—

or

(g) a Crown-lease or an additional Crown-lease;

- (ii) by inserting in paragraph (a) of subsection two of the same section after the words "mineral field" the words "or within any reserve for mining or mining purposes within the meaning of section one hundred and six of the Mining Act, 1906-1935";

- (iii) by inserting in paragraph (b) of the same subsection after the words "local land board" the word "substantially";

- (iv) by inserting in paragraph (d) of the same subsection after the words "approval of" the words "and subject to such special conditions as may be recommended by";

(v)

Crown Lands and Closer Settlement (Amendment).

- (v) by inserting at the end of the same subsection the following word and new paragraph:—
and
(c) a conversion shall not be allowed of land reserved from sale for public recreation or from sale for future public requirements;
- (vi) by inserting in subsection five of the same section after the word “it” where secondly occurring the words and parentheses “shall also report as to what special conditions (if any) should attach to the holding after conversion and”;
- (vii) by inserting in subsection seven of the same section after the words “homestead farm” the symbols and words “—or additional homestead farm—or Crown-lease—or additional Crown-lease”;
- (viii) by inserting in the same subsection after the word “respectively” the words and parentheses “and also to the special conditions (if any) which the Minister on the recommendation of the local land board, may impose”;
- (ix) by inserting at the end of the same subsection the following new paragraph:—
(d) where the conversion is into a Crown-lease or an additional Crown-lease the annual rent shall be the rent determined by the local land board pursuant to subsection five of this section;
- (x) by inserting in subsection eight of the same section after the words “additional homestead farm” the words “or the Crown-lease or the additional Crown-lease”;

Crown Lands and Closer Settlement (Amendment).

Sec. 194.
(Conversion
of certain
holdings
into home-
stead
farms.)

(j) (i) by inserting in section one hundred and ninety-four after the word "purchase" where firstly occurring the words "or conditional lease";

(ii) by inserting next after paragraph two of the same section the following new paragraph:—

(2A) Where the holding the subject of the application for conversion is a conditional lease which was formerly comprised in a settlement lease, the application shall not be approved as to so much of the land comprised in that conditional lease as constitutes an area which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act and has not been declared to be convertible under the provisions of section 188A of this Act.

Sec. 199.
(Contribu-
tion to cost
and main-
tenance of
fencing.)

(k) by inserting at the end of section one hundred and ninety-nine the words and figures—

For the purposes of this section the expressions "lease other than an annual lease" and "lease from the Crown" shall be construed as including a lease under the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934;

Sec. 202.
(Enclosure
of roads
and water-
courses.)

(l) (i) by omitting from subsection one of section two hundred and two the words "and within the prescribed time";

(ii) by omitting from the same subsection the words and figures "A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate";

(iii)

Crown Lands and Closer Settlement (Amendment).

- (iii) by omitting from subsection six of the same section the words "the person occupying or using the land embraced by such road or watercourse" and by inserting in lieu thereof the words "the holder for the time being of the holding under the Crown Lands Acts or of the freehold with which such road or watercourse is enclosed";
- (iv) by inserting in the same subsection after the words "may be" the words "or may have been";
- (v) by inserting in the same subsection after the word "being" the words "or having been";
- (m) (i) by omitting from subsection three of section two hundred and six the word "final"; Sec. 206. (Operation of forfeiture.)
- (ii) by inserting in subsection four of the same section next after the words "suburban holding" the words and figures "or of a purchase of the land comprised in a residential lease, week-end lease, or lease of town lands under section 82A of this Act";
- (n) by inserting at the end of section two hundred and forty the following words:— Sec. 240. (Minors.)
- Where a person between the ages of sixteen and twenty-one years is the owner of a holding under this Act and is also entitled absolutely to any other land which is held or used in conjunction with that holding, such person may make or give an agreement or mortgage under the authority of this section in relation to such other land together with the holding;
- (o) (i) by omitting from paragraph (a) of subsection one of section two hundred and seventy-four the words and symbols "—in the case of a homestead farm or Crown lease—of the Minister," and by inserting in lieu thereof the words "of the Minister substantially"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown leases.)

(ii)

Crown Lands and Closer Settlement (Amendment).

- (ii) by inserting in subsection two of the same section after the word "transfer" where firstly occurring the words and symbols "—except by way of mortgage or release of mortgage—";
- (iii) by omitting from the same subsection the words and symbols "in the prescribed form—in the case of a homestead farm or Crown-lease—to the Minister" and by inserting in lieu thereof the words "to the Minister in the prescribed form";
- (iv) by omitting the proviso to the same subsection;

Sec. 307.
(Conversion of existing conditional leases into additional conditional purchases.)

- (p) by omitting subsection two of section three hundred and seven, and by inserting in lieu thereof the following subsection:—

(2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

Further amendment of Act No. 7, 1913.

Sec. 165.
(Reverter to pastoral or homestead lease or occupation license.)

9. The Crown Lands Consolidation Act, 1913, is further amended—

- (a) (i) by omitting from the short heading to section one hundred and sixty-five the words "pastoral or homestead lease or";
- (ii) by omitting from the same section the words "pastoral or homestead lease or" wherever occurring;

(iii)

Crown Lands and Closer Settlement (Amendment).

- (iii) by omitting from subsection one of the same section the words "lease or" where thirdly, fourthly and fifthly occurring;
- (iv) by omitting from the same subsection the words "pastoral lease or" wherever occurring;
- (v) by omitting from subsection two of the same section the words "as the case may be";
- (vi) by omitting from the same subsection the words "lease or" where lastly occurring;
- (vii) by omitting from subsection three of the same section the words "lease or" wherever occurring;
- (viii) by omitting from the same subsection the words "rent or" wherever occurring;
- (b) (i) by omitting from subsection one of section one hundred and ninety-three the words "any pastoral or homestead lease in the Western Division or of";
 - Sec. 193.
(Conversion of certain leases into homestead selections or grants.)
- (ii) by omitting from the same subsection the words "not being within a pastoral or homestead lease or" and by inserting in lieu thereof the words "or of any";
- (iii) by omitting from the same subsection the words "in the case of a pastoral or homestead lease in the Western Division not exceeding six hundred and forty acres in area and in any other case under the section" and by inserting in lieu thereof the words "not substantially exceeding";
- (iv) by omitting from the same subsection the words "home maintenance area" where secondly occurring and by inserting in lieu thereof the word "portion";
- (v) by omitting from paragraph (g) of the same subsection the words "an improvement lease or scrub lease" and by inserting in lieu thereof the words "a lease of any of the kinds hereinbefore particularised";
- (c) by omitting from subsection one of section 193A the words "Upon application as prescribed";
 - Sec. 193A.
(Conversion of prickly-pear leases.)

(b)

Crown Lands and Closer Settlement (Amendment).

Sec. 211.
(Forfeiture
for want of
good faith.)

(d) by omitting from section two hundred and eleven the words "The provisions of this section shall, so far as applicable, extend to homestead leases recommended for approval on or after the first day of June, one thousand eight hundred and ninety-five";

Sec. 219.
(When
improvements
become the
property of
the Crown.)

(e) by omitting paragraph (a) of the proviso to section two hundred and nineteen;

Sec. 232.
(Survey of
boundaries
of pastoral
and home-
stead leases
and occupation
licenses.)

(f) (i) by omitting from section two hundred and thirty-two the words "pastoral or homestead lease or";

(ii) by omitting from the same section the words "a pastoral lease or occupation license" and by inserting in lieu thereof the words "the occupation license";

(iii) by omitting from the same section the words "If the survey be made otherwise than at the request of the holder of the pastoral lease, or in the case of a homestead lease whether at the request of the holder thereof or otherwise, the Minister may, upon such survey being made, demand from the holder of the pastoral lease or homestead lease, as the case may be, towards defraying the cost thereof, any sum not exceeding twenty shillings for each linear mile of the boundary so surveyed";

(iv) by omitting from the same section the words "the pastoral or homestead lease or occupation license, as the case may be," and by inserting in lieu thereof the words "the occupation license";

Sec. 233.
(Withdrawal
from lease
or license.)

(g) by omitting from subsection two of section two hundred and thirty-three the words "any pastoral or homestead lease in the Western Division, or from";

(h)

Crown Lands and Closer Settlement (Amendment).

- (h) by omitting from section two hundred and thirty-six the words and symbol "or a homestead lease—"; Sec. 236.
(Devise, contract, etc., void in certain cases.)
- (i) by omitting from subsection one of section two hundred and fifty the words "homestead lease"; Sec. 250.
(Impounding and actions for trespass.)
- (j) (i) by omitting from subsection one of section two hundred and seventy the words "or homestead lessee" wherever occurring; Sec. 270.
(Transfer under legal process, etc.)
(ii) by omitting from the same subsection the words "or lessee";
- (k) by omitting from section two hundred and seventy-five the words and parenthesis "a pastoral lease or occupation license) then of such pastoral lease or occupation license" and by inserting in lieu thereof the words and parenthesis "an occupation license) then of such occupation license."
- 10. (1) The Closer Settlement Act, 1904, is further amended—** Further amendment of Act No. 37, 1904.
- (a) by omitting from section twenty-eight the word "Saturday" and by inserting in lieu thereof the word "Friday"; Sec. 28.
(Applications, inquiry, and disposal by land board, appeal barred.)
- (b) (i) by omitting from section forty-six the words "the person occupying or using the land embraced by such road" and by inserting in lieu thereof the words "the holder for the time being of the purchase or lease under this Act with which such road is enclosed"; Sec. 46.
(Enclosure of roads.)
(ii) by inserting in the same section after the words "may be" where secondly occurring the words "or may have been";
(iii) by inserting in the same section after the words "upon the matter being" the words "or having been."

Crown Lands and Closer Settlement (Amendment).

Amendment
of Act No. 7,
1914.
Sec. 4.
(After-auction
sale or lease
at upset price.)

(2) The Closer Settlement (Amendment) Act, 1914, is amended by inserting in subsection one of section four after the words "within a settlement purchase area" the words "or any land acquired under the Closer Settlement Acts."

Amendment
of Act No.
48, 1918.
Sec. 3.
(Subdivision
of settle-
ment pur-
chases.)

(3) The Closer Settlement (Amendment) Act, 1918, is amended by omitting from section three the words "The Minister may grant, refuse, or modify any application under this section, and may apportion the capital value of the settlement purchase between the subdivided parts" and by inserting in lieu thereof the following words—

The Minister shall have and shall be deemed always to have had power to grant with or without modification any application under this section and to apportion the capital value of the settlement purchase between the subdivided parts, as from the date specified by him at the time of such granting, which date shall be a date not earlier than the first day of December next preceding the date of the application and not later than the first day of December next following the date of the granting of the application. The Minister may refuse any such application.

Amendment
of Act No.
46, 1919.
Sec. 12.
(Charge of
purchase
money on
land.)

(4) The Closer Settlement (Amendment) Act, 1919, is amended by inserting at the end of section twelve the following new subsection:—

(2) Where a subdivision is effected of the land or portion subject to a charge under this section, or where part of the land or portion subject to any such charge is transferred the Minister may apportion the amount of such charge equitably between the respective parts resulting from such subdivision or transfer.

An apportionment may be made under this subsection in any case where the subdivision was effected or part of the land or portion was transferred before
the

Crown Lands and Closer Settlement (Amendment).

the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, as well as in any case where the subdivision is effected or part of the land or portion is transferred after such commencement.

SCHEDULE.

Sec. 2.

Number of Act.	Short Title.	Extent of Repeal.
1917, No. 27...	Crown Lands (Amendment) Act, 1917.	So much of section 4 as inserted " A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate " in section 202 (1) of the Principal Act. So much of section 4 as inserted the proviso in section 274 (2) of the Principal Act.
1932, No. 69...	Crown Lands (Amendment) Act, 1932.	Paragraphs (g) and (h) of section 10.
1935, No. 6 ...	Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.	Paragraphs (f) and (o) of subsection one of section 6.
1935, No. 51...	Crown Lands (Amendment) Act, 1935.	The whole Act.

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

WAKEHURST,
Governor.

*Government House,
Sydney, 14th December, 1938.*

CROWN LANDS AND CLOSER SETTLEMENT (AMENDMENT) BILL.

Schedule of the Amendment referred to in Message of 8th December, 1938.

Page 19, clause 8. *After line 22 insert new paragraph as follows:—*

**(n) by inserting at the end of section two hundred and forty the following Sec. 240.
words:—** (Minors.)

Where a person between the ages of sixteen and twenty-one years is the owner of a holding under this Act and is also entitled absolutely to any other land which is held or used in conjunction with that holding, such person may make or give an agreement or mortgage under the authority of this section in relation to such other land together with the holding;

for these and other reasons to amend the

and

the

the

the

the

the

the section is related to the following table

(a) The number of the bill of exchange for which the following is the

where a certain amount of money is to be paid

the amount of the bill of exchange is

COUNTY OF ...

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, 2 December, 1938.*

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

C. H. H. CALVERT,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 8th December, 1938.*

New South Wales.



ANNO SECUNDO

GEORGII VI REGIS.

Act No. , 1938.

An Act to make further provision in relation to closer settlement; to extend for a further period certain provisions of the Crown Lands (Amendment) Act, 1932; to provide for the waiver or remission of certain payments in connection with the indebtedness of discharged soldiers; to validate certain matters; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Crown Lands (Amendment) Act, 1932, the Returned Soldiers Settlement Act, 1916, the Farmers' Relief Act, 1932-1937, the Closer Settlement Acts, and certain other Acts in certain respects; to repeal the Crown Lands (Amendment) Act, 1935; and for purposes connected therewith.

90497 146—A

BE

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

Crown Lands and Closer Settlement (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
 5 the same, as follows:—

1. This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1938." Short title.

2. The enactments mentioned in the Schedule to this Act are, to the extent therein indicated, hereby repealed. Repeals.

10 3. (1) The Closer Settlement Act, 1904, is amended— Amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-seven the following words:— Sec. 27.
(Lodgment of applications.)

15 In any case where the settlement purchase applied for is within a settlement purchase area which has been set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the application shall also be accompanied by the undertaking referred to in that subsection. 20

(b) by inserting in section thirty-six after the words "complied with" the words "or if, in the case of a holding within a settlement purchase area set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the purchaser neglects or refuses to comply (either wholly or in part) with the undertaking given by him in accordance with that special condition." Sec. 36.
(Forfeiture.)

25

30

(2) The Closer Settlement (Amendment) Act, 1909, is amended— Amendment of Act No. 21, 1909.

(a) by inserting in section two after the definition of "Home maintenance area" the following new definition:— Sec. 2.
(Definition.)

35

"Rural Bank" means the Rural Bank of New South Wales.

(b)

Crown Lands and Closer Settlement (Amendment).

- (b) (i) by inserting next after subsection one of section twenty-one the following new subsection:—

Sec. 21.
(Setting
apart.)

5 (1A) Any settlement purchase area may be set apart subject to a special condition that every application for a settlement purchase out of that settlement purchase area shall be accompanied by an undertaking by the applicant in or to the effect of the Schedule to this Act.

- 10 (ii) by inserting at the end of subsection five of the same section the following words:—

15 In any case where the settlement purchase area is set apart subject to a special condition imposed under subsection (1A) of this section the notification shall set out the special condition so imposed.

- (c) by inserting next after section twenty-five the following Schedule:—

New
Schedule.

20 SCHEDULE.

Sec. 21.
(1A).

Undertaking by Applicant for a Settlement Purchase.

To the Minister for Lands,

I, , of , being an applicant for a Settlement Purchase within Settlement Purchase Area, undertake that I will in the event of my application being allowed by the Local Land Board—

- 25 (a) if called upon so to do by the Minister for Lands within a period of one year after the date upon which such application is so allowed, immediately apply to the Rural Bank for the maximum advances which the Rural Bank may be prepared to make upon the security of a mortgage or mortgages over the land allowed to me as a settlement purchase;
- 30 (b) do all other things required by the Rural Bank to enable early consideration to be given to my application for the advances;
- 35 (c) accept any advances which the Rural Bank may be prepared to make;
- (d) upon request and without delay do all things and sign all documents required by the Rural Bank in connection with any advances to be made by it; and
- 40 (e) apply the whole of such advances in payment of the moneys owing by me in respect of the settlement purchase.

This

Crown Lands and Closer Settlement (Amendment).

This undertaking is given on the basis that the Rural Bank may make an advance to me from either its Rural Bank Department or from its Closer Settlement Agency or partly from one and partly from the other AND also that the terms of the advances to be made

5 may be such as the Rural Bank may see fit to allow subject to the proviso that during the period of five years commencing on the date of commencement of title to my settlement purchase and notwithstanding that any mortgage or mortgages may provide for other payments or obligations I shall be entirely relieved of any obligation

10 to pay to the Rural Bank any amount in excess of that which I would have been bound to pay in respect of the settlement purchase if the advances had never been made AND subject also to the further proviso that after the expiration of the said period of five years and notwithstanding that interest under the mortgage or mortgages

15 may be payable to the Rural Bank at a higher rate I shall be entirely relieved of any obligation to pay that part (if any) of the interest which exceeds five per centum per annum on the amount secured from time to time AND upon the further basis that nothing herein or in any law or regulation contained shall prevent the Rural Bank

20 from exercising any rights whatsoever under its mortgage or mortgages from me (subject to the limitation hereinbefore contained as to the payment obligations during the first period of five years and also to the limitation hereinbefore contained as to the interest rate after the expiration of the said period of five years) in the same manner as if this undertaking had never been given.

25 Dated at , this day of , one thousand nine hundred and thirty

Signed by the said

 30 in my presence
)

4. The Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, is amended—

35 (a) by omitting from section three the words “six years” wherever occurring and by inserting in lieu thereof the words “nine years”;

Amendment of Act No. 69, 1932.
Sec. 3.
(Reduction of interest and annual rental.)

(b) by inserting at the end of subsection three of the same section the following proviso :—

40 Provided that where the annual rental for the second or any succeeding period of any lease to which the provisions of section one hundred and forty-three

Crown Lands and Closer Settlement (Amendment).

5 forty-three of the Crown Lands Consolidation Act, 1913, apply, is determinēd as provided in that section, such annual rental shall, as from the commencement of such second or subsequent period, be the annual rental of the lease but shall be subjēct to the reduction prescribed by subsection one of this section, and as so reduced shall continue to be the annual rental payable for the balance of the period of nine years referred to in this subsection.

10

5. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended by inserting after paragraph (b) of subsection one of section twenty-one the following new paragraphs:—

Amendment of Act No. 21, 1916. Sec. 21.

15 (b1) remit to any discharged soldier an amount equivalent to the whole or part of the interest on the balance of purchase money paid, pursuant to section fifteen of the Closer Settlement (Amendment) Act, 1914, up to the first day of December, one thousand nine hundred and fourteen, or where the settlement purchase was made or acquired after that day, up to the first day of December next after the date of the settlement purchase application;

20

(Power of Minister to waive or remit certain indebtedness.)

25 (b2) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest added to the balance of purchase money owing on a settlement purchase in pursuance of the provisions of section fifteen of the Closer Settlement (Amendment) Act, 1914;

30

35 (b3) remit to any discharged soldier an amount equivalent to the whole or part of the interest on the balance of purchase money in respect of a group purchase paid pursuant to regulations made under this Act, for the period from the date when the then last annual instalment fell due up to the first day of Sēptember, one thousand nine hundred and twenty-five, or where the group purchase

Crown Lands and Closer Settlement (Amendment).

purchase was confirmed after that day, up to the first day of September next after the date of confirmation of the group purchase;

- 5 (b4) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest for the period from the date when the then last annual instalment fell due up to the first day of
10 September, one thousand nine hundred and twenty-five which was added to the balance of purchase money in respect of a group purchase pursuant to regulations made under this Act.

6. The Farmers' Relief Act, 1932-1937, is amended by inserting at the end of section 34G the following new
15 paragraph:—

(c) the Minister for Lands may write off either wholly or in part—

- 20 (i) any rent or interest due or owing to the Crown under the Crown Lands Consolidation Act, 1913 (except Part VI thereof), the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934, or any of
25 those Acts as amended by subsequent Acts; or
- (ii) any amount secured by any mortgage or charge in favour of the Minister for Lands.

Amendment of Act No. 33, 1932. Sec. 34G.

(Power to write off debts in certain cases.)

30 7. (1) (a) Subsection two of this section shall be deemed to have commenced on the thirtieth day of December, one thousand nine hundred and thirty-two.

(b) Subsection three of this section shall be deemed to have commenced on the twenty-sixth day of
35 February, one thousand nine hundred and thirty-five.

(2) The Crown Lands Consolidation Act, 1913, is amended—

- 40 (a) by omitting from section fifty-two the word "leases" and by inserting in lieu thereof the word "lease";
- (b)

Commencement.

Amendment of Act No. 7, 1913. Sec. 52. (Term and rent of conditional lease.)

Crown Lands and Closer Settlement (Amendment).

(b) (i) by omitting from section one hundred and seven the word "leases" where firstly occurring and by inserting in lieu thereof the word "lease";

Sec. 107.
(Term and rent of conditional purchase lease.)

5 (ii) by omitting from the same section all words commencing with the words "Where an instrument of lease has issued" down to and including the words "within one month after being called upon to do so."

10 (c) by omitting paragraph (a) of subsection seven of section one hundred and nine and by inserting in lieu thereof the following paragraph:—

Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

15 (a) (i) where, at the date of application for conversion, the title to the conditional purchase lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

20 (ii) where, at the date of application for conversion, the term of the conditional purchase lease was for fifty years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

30 Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original conditional purchase lease.

(d)

35

Crown Lands and Closer Settlement (Amendment).

(d) by omitting paragraph (b) of section one hundred and thirty-four and by inserting in lieu thereof the following paragraph—

Sec. 134.
(Crown-
lease:
Term and
rent.)

5 (b) if the Crown-lease has been extended to a lease in perpetuity as to part only of the land comprised therein—

10 (i) the Crown-lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the Crown-lease; and where any person has an interest as mortgagee or otherwise in the Crown-lease so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the Crown-lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so;

25
30
35 (ii) the new leases shall commence on the date of publication in the Gazette of the notification that the Minister has granted the application and the term of the new lease for such residue shall be the balance of the term of the Crown-lease subsisting at that date;

(iii)

Crown Lands and Closer Settlement (Amendment).

(iii) no additional condition of residence or of fencing shall attach to such new leases;

5 (iv) the new leases shall, subject to this section, be held subject to the conditions appertaining to the Crown-lease at the date of the application.

10 Subject to this section the general provisions and conditions relating to Crown-leases shall apply to the new leases issued in pursuance of this section.

15 Any number of Crown-leases held in the same interest and whether original or additional or both may be included in one application under this section; but an original Crown-lease and any additional Crown-lease held in virtue thereof in the same interest shall be included in one application.

20 (e) by omitting paragraph one of section one hundred and eighty-five and by inserting in lieu thereof the following paragraph:—

25 (1) (a) Where, at the date of application for conversion, the title to the settlement lease or Crown-lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

30 (b) Where, at the date of application for conversion, the settlement lease or Crown-lease was for a term of years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to

35 the whole or such part, as the case may be:

Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty

years

Sec. 185.
(Conversion
of settle-
ment
lease
or Crown-
lease:
Conditions
upon
conversion.)

Crown Lands and Closer Settlement (Amendment).

5 years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original settlement lease or the original Crown-lease, as the case may be.

10 (f) by omitting from paragraph four of section one hundred and ninety-four the words "towards the rent of the homestead farm" and by inserting in lieu thereof the words "to the applicant for conversion and applied either towards the rent of the homestead farm or, if the Minister with the consent of the applicant so directs, in or towards satisfaction of any other debt of the applicant to the Crown:

15

Sec. 194.
(Conversion of certain holdings into homestead farms.)

20 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund."

25 (3) The Crown Lands Consolidation Act, 1913, is further amended by omitting from subsection nine of section two hundred and two the words "No refund shall be made in the case of any cancellation of such permission."

Further amendment of Act No. 7, 1913.
Sec. 202.
(Enclosure of roads and water-courses.)

30 (4) Any action, by or under the authority of the Minister, taken on any application lodged before the twenty-sixth day of February, one thousand nine hundred and thirty-five, in connection with the payment by the applicant of the capital value of improvements by instalments whereby the first of such instalments was made payable on a date other than the date upon which such first instalment became payable under section two hundred and sixteen of the Crown Lands Consolidation Act, 35 1913, whether as originally enacted or as amended from time to time, is hereby validated.

Validation.

Crown Lands and Closer Settlement (Amendment).

8. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

(a) by inserting at the end of section twenty the following new subsection:—

Sec. 20. (Reference by Minister to Land and Valuation Court.)

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10

15

20

(2) In any case where a report or recommendation is made by a local land board or chairman or special land board, as the case may be, to the Minister, whether in pursuance of a reference under section seventeen or otherwise under this Act and no appeal or reference has been made to the Land and Valuation Court with respect thereto, and the Minister is of opinion that further consideration of such report or recommendation is necessary or advisable, he may return it for such purpose, and the local land board or chairman or special land board as the case may be, may, with or without taking further evidence, uphold, reverse, alter, or amend its or his previous report or recommendation as it or he may consider just: Provided that the Minister shall not return any such report or recommendation more than once.

25

The report or recommendation made on such further consideration may be the subject of an appeal or reference to the Land and Valuation Court.

30

(b) (i) by omitting from section twenty-six the words "which rules and regulations upon notification in the Gazette shall have the full force of law";

Sec. 26. (Appointment of trustees.)

35

(ii) by inserting at the end of the same section the following new subsections:—

(2) Trustees appointed under subsection one of this section, or appointed under any of the provisions of the Public Trusts Act, 1897, other than section one of that Act, shall have

Crown Lands and Closer Settlement (Amendment).

5 have and shall be deemed always to have had power to make rules and regulations not inconsistent with this or any other Act or with any terms, conditions and limitations imposed upon the trustees pursuant to any Act—

- 10 (a) for the care and management of the land of which they are the trustees;
- (b) for the protection of shrubs, trees and herbage growing upon such land;
- 15 (c) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (d) for the regulation of meetings of the trustees and the conduct of business thereat;
- (e) imposing a penalty not exceeding twenty pounds for any breach of the rules and regulations.

20 This subsection shall not apply in any case where, under the provisions of any other Act, power is conferred on the Governor, the Minister or the trustees to make rules and regulations, by-laws or ordinances for or with respect to any of the matters referred to in the foregoing provisions of this subsection in relation to the land of which the trustees have been so appointed trustees.

25 (3) All rules and regulations made under this section after the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, shall—

- 30 (a) after approval by the Governor be published in the Gazette;
- 35 (b) take effect from the date of publication or from a later date to be specified in the rules and regulations; and

(c)

Crown Lands and Closer Settlement (Amendment).

5 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

10 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the rules and regulations have been laid before such House disallowing any rule and regulation or part thereof, such rule and regulation or part shall thereupon cease to have effect.

15 (4) A copy of such rules and regulations shall be posted in some conspicuous place in such land.

20 (c) by omitting subsection two of section fifty-seven and by inserting in lieu thereof the following subsection:—

Sec. 57.
(Conversion of conditional lease into additional conditional purchase.)

25 (2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

30 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

35 (d) by inserting at the end of subsection three of section one hundred and nine the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the

Sec. 109.
(Conversion: Conditional purchase lease into conditional purchase and conditional lease.)

Crown Lands and Closer Settlement (Amendment).

5 the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

(e) by inserting at the end of section one hundred and twenty-three the following new subsection—

10 (3) No transfer of the lands described in the grant of a homestead farm shall be registered by the Registrar-General unless the Minister certifies, in the prescribed form, that all the conditions of the grant have been duly performed up to the date of such certificate, and the registration of such transfer shall be evidence of the performance of all the conditions under the grant up to the date of the aforesaid certificate.

20 (f) by inserting next after subsection two of section 123A the following new subsections—

25 (2A) Rent in respect of the homestead farm shall be paid up to the date of the application for conversion, and upon default in the payment thereof within the time allowed by the Minister the approval of the application for conversion may be cancelled.

30 (2B) Where upon adjustment of moneys after approval of the conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

35 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

(g)

Crown Lands and Closer Settlement (Amendment).

- 5 (g) (i) by inserting in subsection one of section one hundred and eighty-three after the word "section" the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."
- 10
- (ii) by inserting after subsection two of the same section the following new subsection—
- 15 (2A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:
- 20
- 25 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.
- 30 (h) (i) by inserting at the end of paragraph (h) of subsection one of section one hundred and eighty-four the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."
- 35
- 40 (ii)

Sec. 183.
(Conversion of home-
stead selection or grant or home-
stead farm.)

Sec. 184.
(Conversion of settlement lease or Crown-lease.)

Crown Lands and Closer Settlement (Amendment).

(ii) by inserting next after the same subsection the following new subsection:—

5 (1A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

10

15 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

20 (i) (i) by inserting at the end of subsection one of section one hundred and ninety the following word and new paragraph:—

or

(g) a Crown-lease or an additional Crown-lease;

Sec. 190.
(Conversion of special lease or church and school lands lease.)

25 (ii) by inserting in paragraph (a) of subsection two of the same section after the words "mineral field" the words "or within any reserve for mining or mining purposes within the meaning of section one hundred and six of the Mining Act, 1906-1935";

30 (iii) by inserting in paragraph (b) of the same subsection after the words "local land board" the word "substantially";

35 (iv) by inserting in paragraph (d) of the same subsection after the words "approval of" the words "and subject to such special conditions as may be recommended by";

(v)

Crown Lands and Closer Settlement (Amendment).

- (v) by inserting at the end of the same subsection the following word and new paragraph:—
and
- 5 (e) a conversion shall not be allowed of land reserved from sale for public recreation or from sale for future public requirements;
- 10 (vi) by inserting in subsection five of the same section after the word "it" where secondly occurring the words and parentheses "shall also report as to what special conditions (if any) should attach to the holding after conversion and";
- 15 (vii) by inserting in subsection seven of the same section after the words "homestead farm" the symbols and words "—or additional homestead farm—or Crown-lease—or additional Crown-lease";
- 20 (viii) by inserting in the same subsection after the word "respectively" the words and parentheses "and also to the special conditions (if any) which the Minister on the recommendation of the local land board, may impose";
- 25 (ix) by inserting at the end of the same subsection the following new paragraph:—
(d) where the conversion is into a Crown-lease or an additional Crown-lease the annual rent shall be the rent determined by the local land board pursuant to subsection five of this section;
- 30 (x) by inserting in subsection eight of the same section after the words "additional homestead farm" the words "or the Crown-lease or the additional Crown-lease";
- 35 (j)

Crown Lands and Closer Settlement (Amendment).

- (j) (i) by inserting in section one hundred and ninety-four after the word "purchase" where firstly occurring the words "or conditional lease";
- 5 (ii) by inserting next after paragraph two of the same section the following new paragraph:—
- (2A) Where the holding the subject of the application for conversion is a conditional lease which was formerly comprised in a settlement lease, the application shall not be approved as to so much of the land comprised in that conditional lease as constitutes an area which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act and has not been declared to be convertible under the provisions of section 188A of this Act.
- 10
- 15
- 20 (k) by inserting at the end of section one hundred and ninety-nine the words and figures—
- For the purposes of this section the expressions "lease other than an annual lease" and "lease from the Crown" shall be construed as including a lease under the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934;
- 25
- (l) (i) by omitting from subsection one of section two hundred and two the words "and within the prescribed time";
- 30 (ii) by omitting from the same subsection the words and figures "A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate";
- 35
- (iii).

Sec. 194.
(Conversion of certain holdings into home-stead farms.)

Sec. 199.
(Contribution to cost and maintenance of fencing.)

Sec. 202.
(Enclosure of roads and water-courses.)

Crown Lands and Closer Settlement (Amendment).

- (iii) by omitting from subsection six of the same section the words "the person occupying or using the land embraced by such road or watercourse" and by inserting in lieu thereof the words "the holder for the time being of the holding under the Crown Lands Acts or of the freehold with which such road or watercourse is enclosed";
- 5
- (iv) by inserting in the same subsection after the words "may be" the words "or may have been";
- 10
- (v) by inserting in the same subsection after the word "being" the words "or having been";
- 15
- (m) (i) by omitting from subsection three of section two hundred and six the word "final"; Sec. 206. (Operation of forfeiture.)
- (ii) by inserting in subsection four of the same section next after the words "suburban holding" the words and figures "or of a purchase of the land comprised in a residential lease, week-end lease, or lease of town lands under section 82A of this Act";
- 20
- (n) by inserting at the end of section two hundred and forty the following words:— Sec. 240. (Minors.)
- 25
- Where a person between the ages of sixteen and twenty-one years is the owner of a holding under this Act and is also entitled absolutely to any other land which is held or used in conjunction with that holding, such person may make or give an agreement or mortgage under the authority of this section in relation to such other land together with the holding;**
- 30
- (o) (i) by omitting from paragraph (a) of subsection one of section two hundred and seventy-four the words and symbols "—in the case of a homestead farm or Crown lease—of the Minister," and by inserting in lieu thereof the words "of the Minister substantially"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)
- 35

(ii)

Crown Lands and Closer Settlement (Amendment).

- (ii) by inserting in subsection two of the same section after the word "transfer" where firstly occurring the words and symbols "—except by way of mortgage or release of mortgage—";
- (iii) by omitting from the same subsection the words and symbols "in the prescribed form—in the case of a homestead farm or Crown-lease—to the Minister" and by inserting in lieu thereof the words "to the Minister in the prescribed form";
- (iv) by omitting the proviso to the same subsection;
- (p) by omitting subsection two of section three hundred and seven and by inserting in lieu thereof the following subsection:—
- (2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:
- Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.
9. The Crown Lands Consolidation Act, 1913, is further amended—
- (a) (i) by omitting from the short heading to section one hundred and sixty-five the words "pastoral or homestead lease or";
- (ii) by omitting from the same section the words "pastoral or homestead lease or" wherever occurring;
- (iii).

Sec. 307.
(Conversion of existing conditional leases into additional conditional purchases.)

Further amendment of Act No. 7, 1913.

Sec. 165.
(Reverter to pastoral or homestead lease or occupation license.)

Crown Lands and Closer Settlement (Amendment).

- (iii) by omitting from subsection one of the same section the words "lease or" where thirdly, fourthly and fifthly occurring;
- 5 (iv) by omitting from the same subsection the words "pastoral lease or" wherever occurring;
- (v) by omitting from subsection two of the same section the words "as the case may be";
- 10 (vi) by omitting from the same subsection the words "lease or" where lastly occurring;
- (vii) by omitting from subsection three of the same section the words "lease or" wherever occurring;
- 15 (viii) by omitting from the same subsection the words "rent or" wherever occurring;
- (b) (i) by omitting from subsection one of section one hundred and ninety-three the words "any pastoral or homestead lease in the Western Division or of"; Sec. 193. (Conversion of certain leases into homestead selections or grants.)
- 20 (ii) by omitting from the same subsection the words "not being within a pastoral or homestead lease or" and by inserting in lieu thereof the words "or of any";
- 25 (iii) by omitting from the same subsection the words "in the case of a pastoral or homestead lease in the Western Division not exceeding six hundred and forty acres in area and in any other case under the section" and by inserting in lieu thereof the words "not substantially exceeding";
- 30 (iv) by omitting from the same subsection the words "home maintenance area" where secondly occurring and by inserting in lieu thereof the word "portion";
- 35 (v) by omitting from paragraph (g) of the same subsection the words "an improvement lease or scrub lease" and by inserting in lieu thereof the words "a lease of any of the kinds hereinbefore particularised";
- 40 (c) by omitting from subsection one of section 193A the words "Upon application as prescribed"; Sec. 193A. (Conversion of prickly-pear leases.)
- (b)

Crown Lands and Closer Settlement (Amendment).

- 5 (d) by omitting from section two hundred and eleven the words "The provisions of this section shall, so far as applicable, extend to homestead leases recommended for approval on or after the first day of June, one thousand eight hundred and ninety-five";
- (e) by omitting paragraph (a) of the proviso to section two hundred and nineteen;
- 10 (f) (i) by omitting from section two hundred and thirty-two the words "pastoral or homestead lease or";
- (ii) by omitting from the same section the words "a pastoral lease or occupation license" and by inserting in lieu thereof the words "the occupation license";
- 15 (iii) by omitting from the same section the words "If the survey be made otherwise than at the request of the holder of the pastoral lease, or in the case of a homestead lease whether at the request of the holder thereof or otherwise, the Minister may, upon such survey being made, demand from the holder of the pastoral lease or homestead lease, as the case may be, towards defraying the cost thereof, any sum not exceeding twenty shillings for each linear mile of the boundary so surveyed";
- 20 (iv) by omitting from the same section the words "the pastoral or homestead lease or occupation license, as the case may be," and by inserting in lieu thereof the words "the occupation license";
- 25 (g) by omitting from subsection two of section two hundred and thirty-three the words "any pastoral or homestead lease in the Western Division, or from";
- 30 (h)

Sec. 211.
(Forfeiture
for want of
good faith.)

Sec. 219.
(When
improvements
become the
property of
the Crown.)

Sec. 232.
(Survey of
boundaries
of pastoral
and home-
stead leases
and occupation
licenses.)

Sec. 233.
(Withdrawal
from lease
or license.)

Crown Lands and Closer Settlement (Amendment).

- (h) by omitting from section two hundred and thirty-six the words and symbol "or a homestead lease—"; Sec. 236.
(Devise, contract, etc., void in certain cases.)
- 5 (i) by omitting from subsection one of section two hundred and fifty the words "homestead lease"; Sec. 250.
(Impounding and actions for trespass.)
- (j) (i) by omitting from subsection one of section two hundred and seventy the words "or homestead lessee" wherever occurring; Sec. 270.
(Transfer under legal process, etc.)
- 10 (ii) by omitting from the same subsection the words "or lessee";
- (k) by omitting from section two hundred and seventy-five the words and parenthesis "a pastoral lease or occupation license) then of such pastoral lease or occupation license" and by inserting in lieu thereof the words and parenthesis "an occupation license) then of such occupation license." Sec. 275.
(Adjustment of boundaries.)
- 15
10. (1) The Closer Settlement Act, 1904, is further amended— Further amendment of Act No. 37, 1904.
- 20 (a) by omitting from section twenty-eight the word "Saturday" and by inserting in lieu thereof the word "Friday"; Sec. 28.
(Applications, inquiry, and disposal by land board, appeal barred.)
- (b) (i) by omitting from section forty-six the words Sec. 46.
(Enclosure of roads.)
- 25 "the person occupying or using the land embraced by such road" and by inserting in lieu thereof the words "the holder for the time being of the purchase or lease under this Act with which such road is enclosed";
- 30 (ii) by inserting in the same section after the words "may be" where secondly occurring the words "or may have been";
- (iii) by inserting in the same section after the Sec. 46.
(Enclosure of roads.)
- 35 words "upon the matter being" the words "or having been."

(2)

Crown Lands and Closer Settlement (Amendment).

(2) The Closer Settlement (Amendment) Act, 1914, is amended by inserting in subsection one of section four after the words "within a settlement purchase area" the words "or any land acquired under
5 the Closer Settlement Acts."

Amendment
of Act No. 7,
1914.
Sec. 4.
(After-auction
sale or lease
at upset price.)

(3) The Closer Settlement (Amendment) Act, 1918, is amended by omitting from section three the words "The Minister may grant, refuse, or modify any application under this section, and may apportion the
10 capital value of the settlement purchase between the subdivided parts" and by inserting in lieu thereof the following words—

Amendment
of Act No.
48, 1918.
Sec. 3.
(Subdivision
of settle-
ment pur-
chases.)

The Minister shall have and shall be deemed
15 always to have had power to grant with or without modification any application under this section and to apportion the capital value of the settlement purchase between the subdivided parts, as from the date specified by him at the time of such granting,
20 which date shall be a date not earlier than the first day of December next preceding the date of the application and not later than the first day of December next following the date of the granting of the application. The Minister may refuse any such application.

(4) The Closer Settlement (Amendment) Act, 1919, is amended by inserting at the end of section
25 twelve the following new subsection:—

Amendment
of Act No.
46, 1919.
Sec. 12.

(2) Where a subdivision is effected of the land or
30 portion subject to a charge under this section, or where part of the land or portion subject to any such charge is transferred the Minister may apportion the amount of such charge equitably between the respective parts resulting from such subdivision or transfer.

(Charge of
purchase
money on
land.)

35 An apportionment may be made under this subsection in any case where the subdivision was effected or part of the land or portion was transferred before
the

Crown Lands and Closer Settlement (Amendment).

the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, as well as in any case where the subdivision is effected or part of the land or portion is transferred after such commencement.

SCHEDULE.

Sec. 2.

Number of Act.	Short Title.	Extent of Repeal.
10 15 20	1917, No. 27... Crown Lands (Amendment) Act, 1917.	So much of section 4 as inserted " A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate " in section 202 (1) of the Principal Act. So much of section 4 as inserted the proviso in section 274 (2) of the Principal Act.
25	1932, No. 69... Crown Lands (Amendment) Act, 1932.	Paragraphs (g) and (h) of section 10.
30	1935, No. 6 ... Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.	Paragraphs (f) and (o) of subsection one of section 6.
	1935, No. 51... Crown Lands (Amendment) Act, 1935.	The whole Act.

Grant Funds and (Section 1982)

the commitment of the Crown Lands and Class Settlement (Amendment) Act 1982, as well as in any case where the condition is checked or part of the part of section is transferred after such commitment.

SCHEDULE

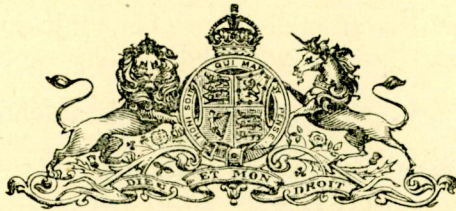
Section of Act	Section Title	Section of Amendment
10	Crown Lands (Amendment) Act 1982	Section 10
11	Crown Lands (Amendment) Act 1982	Section 11
12	Crown Lands (Amendment) Act 1982	Section 12
13	Crown Lands (Amendment) Act 1982	Section 13
14	Crown Lands (Amendment) Act 1982	Section 14
15	Crown Lands (Amendment) Act 1982	Section 15
16	Crown Lands (Amendment) Act 1982	Section 16
17	Crown Lands (Amendment) Act 1982	Section 17
18	Crown Lands (Amendment) Act 1982	Section 18
19	Crown Lands (Amendment) Act 1982	Section 19
20	Crown Lands (Amendment) Act 1982	Section 20
21	Crown Lands (Amendment) Act 1982	Section 21
22	Crown Lands (Amendment) Act 1982	Section 22
23	Crown Lands (Amendment) Act 1982	Section 23
24	Crown Lands (Amendment) Act 1982	Section 24
25	Crown Lands (Amendment) Act 1982	Section 25
26	Crown Lands (Amendment) Act 1982	Section 26
27	Crown Lands (Amendment) Act 1982	Section 27
28	Crown Lands (Amendment) Act 1982	Section 28
29	Crown Lands (Amendment) Act 1982	Section 29
30	Crown Lands (Amendment) Act 1982	Section 30
31	Crown Lands (Amendment) Act 1982	Section 31
32	Crown Lands (Amendment) Act 1982	Section 32
33	Crown Lands (Amendment) Act 1982	Section 33
34	Crown Lands (Amendment) Act 1982	Section 34
35	Crown Lands (Amendment) Act 1982	Section 35
36	Crown Lands (Amendment) Act 1982	Section 36
37	Crown Lands (Amendment) Act 1982	Section 37
38	Crown Lands (Amendment) Act 1982	Section 38
39	Crown Lands (Amendment) Act 1982	Section 39
40	Crown Lands (Amendment) Act 1982	Section 40
41	Crown Lands (Amendment) Act 1982	Section 41
42	Crown Lands (Amendment) Act 1982	Section 42
43	Crown Lands (Amendment) Act 1982	Section 43
44	Crown Lands (Amendment) Act 1982	Section 44
45	Crown Lands (Amendment) Act 1982	Section 45
46	Crown Lands (Amendment) Act 1982	Section 46
47	Crown Lands (Amendment) Act 1982	Section 47
48	Crown Lands (Amendment) Act 1982	Section 48
49	Crown Lands (Amendment) Act 1982	Section 49
50	Crown Lands (Amendment) Act 1982	Section 50
51	Crown Lands (Amendment) Act 1982	Section 51
52	Crown Lands (Amendment) Act 1982	Section 52
53	Crown Lands (Amendment) Act 1982	Section 53
54	Crown Lands (Amendment) Act 1982	Section 54
55	Crown Lands (Amendment) Act 1982	Section 55
56	Crown Lands (Amendment) Act 1982	Section 56
57	Crown Lands (Amendment) Act 1982	Section 57
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99	Crown Lands (Amendment) Act 1982	Section 99
100	Crown Lands (Amendment) Act 1982	Section 100

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, 2 December, 1938.*

New South Wales.



ANNO SECUNDO

GEORGI VI REGIS.

Act No. , 1938.

An Act to make further provision in relation to closer settlement; to extend for a further period certain provisions of the Crown Lands (Amendment) Act, 1932; to provide for the waiver or remission of certain payments in connection with the indebtedness of discharged soldiers; to validate certain matters; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Crown Lands (Amendment) Act, 1932, the Returned Soldiers Settlement Act, 1916, the Farmers' Relief Act, 1932-1937, the Closer Settlement Acts, and certain other Acts in certain respects; to repeal the Crown Lands (Amendment) Act, 1935; and for purposes connected therewith.

Crown Lands and Closer Settlement (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
 5 the same, as follows:—

1. This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1938." Short title.

2. The enactments mentioned in the Schedule to this Act are, to the extent therein indicated, hereby repealed. Repeals.

10 3. (1) The Closer Settlement Act, 1904, is amended— Amendment
of Act No.
37, 1904.
Sec. 27.
(Lodgment of
applications.)

(a) by inserting at the end of section twenty-seven the following words:—

15 In any case where the settlement purchase applied for is within a settlement purchase area which has been set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the application shall also be accompanied by the undertaking referred to in that subsection.

20 (b) by inserting in section thirty-six after the words "complied with" the words "or if, in the case of a holding within a settlement purchase area set apart subject to a special condition imposed under subsection (1A) of section twenty-one of the Closer Settlement (Amendment) Act, 1909, the purchaser neglects or refuses to comply (either wholly or in part) with the undertaking given by him in accordance with that special condition." Sec. 36.
(For-
feiture.)

25 (2) The Closer Settlement (Amendment) Act, 1909, is amended— Amendment
of Act No. 21,
1909.

30 (a) by inserting in section two after the definition of "Home maintenance area" the following new definition:— Sec. 2.
(Definition.)

35 "Rural Bank" means the Rural Bank of New South Wales.

(b)

Crown Lands and Closer Settlement (Amendment).

(b) (i) by inserting next after subsection one of section twenty-one the following new subsection:—

5 (1A) Any settlement purchase area may be set apart subject to a special condition that every application for a settlement purchase out of that settlement purchase area shall be accompanied by an undertaking by the applicant in or to the effect of the Schedule to this Act.

10 (ii) by inserting at the end of subsection five of the same section the following words:—

15 In any case where the settlement purchase area is set apart subject to a special condition imposed under subsection (1A) of this section the notification shall set out the special condition so imposed.

(c) by inserting next after section twenty-five the following Schedule:—

20 SCHEDULE. Sec. 21. (1A).

Undertaking by Applicant for a Settlement Purchase.

To the Minister for Lands,

I, , of , being an applicant for a Settlement Purchase within Settlement Purchase Area, undertake that I will in the event of my application being allowed by the Local Land Board—

- 30 (a) if called upon so to do by the Minister for Lands within a period of one year after the date upon which such application is so allowed, immediately apply to the Rural Bank for the maximum advances which the Rural Bank may be prepared to make upon the security of a mortgage or mortgages over the land allowed to me as a settlement purchase;
- 35 (b) do all other things required by the Rural Bank to enable early consideration to be given to my application for the advances;
- (c) accept any advances which the Rural Bank may be prepared to make;
- 40 (d) upon request and without delay do all things and sign all documents required by the Rural Bank in connection with any advances to be made by it; and
- (e) apply the whole of such advances in payment of the moneys owing by me in respect of the settlement purchase.

This

Crown Lands and Closer Settlement (Amendment).

This undertaking is given on the basis that the Rural Bank may make an advance to me from either its Rural Bank Department or from its Closer Settlement Agency or partly from one and partly from the other AND also that the terms of the advances to be made

5 may be such as the Rural Bank may see fit to allow subject to the proviso that during the period of five years commencing on the date of commencement of title to my settlement purchase and notwithstanding that any mortgage or mortgages may provide for other payments or obligations I shall be entirely relieved of any obligation

10 to pay to the Rural Bank any amount in excess of that which I would have been bound to pay in respect of the settlement purchase if the advances had never been made AND subject also to the further proviso that after the expiration of the said period of five years and notwithstanding that interest under the mortgage or mortgages

15 may be payable to the Rural Bank at a higher rate I shall be entirely relieved of any obligation to pay that part (if any) of the interest which exceeds five per centum per annum on the amount secured from time to time AND upon the further basis that nothing herein or in any law or regulation contained shall prevent the Rural Bank

20 from exercising any rights whatsoever under its mortgage or mortgages from me (subject to the limitation hereinbefore contained as to the payment obligations during the first period of five years and also to the limitation hereinbefore contained as to the interest rate after the expiration of the said period of five years) in the same

25 manner as if this undertaking had never been given.

Dated at , this day of , one thousand nine hundred and thirty .

Signed by the said

30 }
 in my presence

4. The Crown Lands (Amendment) Act, 1932, as amended by subsequent Acts, is amended—

Amendment of Act No. 69, 1932.

35 (a) by omitting from section three the words “six years” wherever occurring and by inserting in lieu thereof the words “nine years”;

Sec. 3. (Reduction of interest and annual rental.)

(b) by inserting at the end of subsection three of the same section the following proviso:—

40 Provided that where the annual rental for the second or any succeeding period of any lease to which the provisions of section one hundred and forty-three

Crown Lands and Closer Settlement (Amendment).

5 forty-three of the Crown Lands Consolidation
 Act, 1913, apply, is determined as provided in
 that section, such annual rental shall, as from
 the commencement of such second or subsequent
 period, be the annual rental of the lease but shall
 be subject to the reduction prescribed by sub-
 section one of this section, and as so reduced
 shall continue to be the annual rental payable for
 10 the balance of the period of nine years referred
 to in this subsection.

5. The Returned Soldiers Settlement Act, 1916, as
 amended by subsequent Acts, is amended by inserting
 after paragraph (b) of subsection one of section twenty-
 one the following new paragraphs:—

Amendment
of Act No.
21, 1916.

Sec. 21.

(Power
of Minister
to waive
or remit
certain
indebted-
ness.)

- 15 (b1) remit to any discharged soldier an amount
 equivalent to the whole or part of the interest on
 the balance of purchase money paid, pursuant to
 section fifteen of the Closer Settlement (Amend-
 ment) Act, 1914, up to the first day of December,
 20 one thousand nine hundred and fourteen, or
 where the settlement purchase was made or
 acquired after that day, up to the first day of
 December next after the date of the settlement
 purchase application;
- 25 (b2) waive the payment by any discharged soldier
 of, or remit to any discharged soldier, an amount
 equivalent to the whole or part of any interest
 added to the balance of purchase money owing
 on a settlement purchase in pursuance of the
 30 provisions of section fifteen of the Closer
 Settlement (Amendment) Act, 1914;
- 35 (b3) remit to any discharged soldier an amount
 equivalent to the whole or part of the interest
 on the balance of purchase money in respect of
 a group purchase paid pursuant to regulations
 made under this Act, for the period from the date
 when the then last annual instalment fell due up
 to the first day of September, one thousand nine
 hundred and twenty-five, or where the group
 purchase

Crown Lands and Closer Settlement (Amendment).

purchase was confirmed after that day, up to the first day of September next after the date of confirmation of the group purchase;

- 5 (b4) waive the payment by any discharged soldier of, or remit to any discharged soldier, an amount equivalent to the whole or part of any interest for the period from the date when the then last annual instalment fell due up to the first day of
- 10 September, one thousand nine hundred and twenty-five which was added to the balance of purchase money in respect of a group purchase pursuant to regulations made under this Act.

6. The Farmers' Relief Act, 1932-1937, is amended by inserting at the end of section 34g the following new paragraph:—

Amendment of Act No. 33, 1932. Sec. 34g.

- 15 (c) the Minister for Lands may write off either wholly or in part—
- 20 (i) any rent or interest due or owing to the Crown under the Crown Lands Consolidation Act, 1913 (except Part VI thereof), the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934, or any of those Acts as amended by subsequent Acts; or
- 25 (ii) any amount secured by any mortgage or charge in favour of the Minister for Lands.

(Power to write off debts in certain cases.)

30 7. (1) (a) Subsection two of this section shall be deemed to have commenced on the thirtieth day of December, one thousand nine hundred and thirty-two.

Commencement.

(b) Subsection three of this section shall be deemed to have commenced on the twenty-sixth day of February, one thousand nine hundred and thirty-five.

35 (2) The Crown Lands Consolidation Act, 1913, is amended—

Amendment of Act No. 7, 1913.

- 40 (a) by omitting from section fifty-two the word "leases" and by inserting in lieu thereof the word "lease";
- (b)

Sec. 52. (Term and rent of conditional lease.)

Crown Lands and Closer Settlement (Amendment).

(b) (i) by omitting from section one hundred and seven the word "leases" where firstly occurring and by inserting in lieu thereof the word "lease";

Sec. 107.
(Term and rent of conditional purchase lease.)

5 (ii) by omitting from the same section all words commencing with the words "Where an instrument of lease has issued" down to and including the words "within one month after being called upon to do so."

10 (c) by omitting paragraph (a) of subsection seven of section one hundred and nine and by inserting in lieu thereof the following paragraph:—

Sec. 109.
(Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

15 (a) (i) where, at the date of application for conversion, the title to the conditional purchase lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

20 (ii) where, at the date of application for conversion, the term of the conditional purchase lease was for fifty years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

30 Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original conditional purchase lease.

35 (d)

Crown Lands and Closer Settlement (Amendment).

(d) by omitting paragraph (b) of section one hundred and thirty-four and by inserting in lieu thereof the following paragraph—

Sec. 134.
(Crown-
lease:
Term and
rent.)

5 (b) if the Crown-lease has been extended to a lease in perpetuity as to part only of the land comprised therein—

10 (i) the Crown-lease shall be surrendered and separate leases issued for such part and for the residue of the land comprised in the Crown-lease; and where any person has an interest as mortgagee or otherwise in the Crown-lease so surrendered the document evidencing or agreement creating such interest shall except in the case of a transfer under this Act, be read and construed as if the reference in such document or agreement to the Crown-lease so surrendered were a reference to the new leases so issued, and where the document or agreement is a transfer under this Act by way of mortgage, it shall be deemed to include an undertaking to execute such further transfers as may be necessary to confer on such person an equivalent interest in the new leases, and in such case the transferee shall, by virtue of this Act, have authority to execute, as the attorney and at the expense of the transferor, any such transfer, if the transferor fails to execute the same within one month after being called upon to do so;

35 (ii) the new leases shall commence on the date of publication in the Gazette of the notification that the Minister has granted the application and the term of the new lease for such residue shall be the balance of the term of the Crown-lease subsisting at that date;

(iii)

Crown Lands and Closer Settlement (Amendment).

(iii) no additional condition of residence or of fencing shall attach to such new leases;

5 (iv) the new leases shall, subject to this section, be held subject to the conditions appertaining to the Crown-lease at the date of the application.

10 Subject to this section the general provisions and conditions relating to Crown-leases shall apply to the new leases issued in pursuance of this section.

15 Any number of Crown-leases held in the same interest and whether original or additional or both may be included in one application under this section; but an original Crown-lease and any additional Crown-lease held in virtue thereof in the same interest shall be included in one application.

20 (e) by omitting paragraph one of section one hundred and eighty-five and by inserting in lieu thereof the following paragraph:—

25 (1) (a) Where, at the date of application for conversion, the title to the settlement lease or Crown-lease was a lease in perpetuity as to the whole or any part of the land comprised therein, the title to the conditional lease shall, as to the whole or such part as the case may be, and, notwithstanding anything in section fifty-two of this Act, be a lease in perpetuity.

30 (b) Where, at the date of application for conversion, the settlement lease or Crown-lease was for a term of years as to the whole or any part of the land comprised therein, the provisions of section fifty-two of this Act shall apply to and in respect of the conditional lease, as to the whole or such part, as the case may be:

35 Provided, however, that the conditional lease, to the extent to which it is not a lease in perpetuity, shall, in lieu of the term of forty years

Sec. 185.
(Conversion of settlement lease or Crown-lease: Conditions upon conversion.)

Crown Lands and Closer Settlement (Amendment).

5 years referred to in that section, be for a term commencing on the date of application for conversion and ending at the expiration of forty years from the date of commencement of the original settlement lease or the original Crown-lease, as the case may be.

10 (f) by omitting from paragraph four of section one hundred and ninety-four the words "towards the rent of the homestead farm" and by inserting in lieu thereof the words "to the applicant for conversion and applied either towards the rent of the homestead farm or, if the Minister with the consent of the applicant so directs, in or towards satisfaction of any other debt of the applicant to the Crown:

15

Sec. 194.
(Conversion of certain holdings into homestead farms.)

20 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund."

25 (3) The Crown Lands Consolidation Act, 1913, is further amended by omitting from subsection nine of section two hundred and two the words "No refund shall be made in the case of any cancellation of such permission."

Further amendment of Act No. 7, 1913.
Sec. 202.
(Enclosure of roads and water-courses.)

30 (4) Any action, by or under the authority of the Minister, taken on any application lodged before the twenty-sixth day of February, one thousand nine hundred and thirty-five, in connection with the payment by the applicant of the capital value of improvements by instalments whereby the first of such instalments was made payable on a date other than the date upon which such first instalment became payable under section two hundred and sixteen of the Crown Lands Consolidation Act, 35 1913, whether as originally enacted or as amended from time to time, is hereby validated.

Validation.

Crown Lands and Closer Settlement (Amendment).

8. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

(a) by inserting at the end of section twenty the following new subsection:—

Sec. 20.
(Reference by Minister to Land and Valuation Court.)

5 (2) In any case where a report or recommendation is made by a local land board or chairman or special land board, as the case may be, to the Minister, whether in pursuance of a reference under section seventeen or otherwise
10 under this Act and no appeal or reference has been made to the Land and Valuation Court with respect thereto, and the Minister is of opinion that further consideration of such report or recommendation is necessary or advisable, he
15 may return it for such purpose, and the local land board or chairman or special land board as the case may be, may, with or without taking further evidence, uphold, reverse, alter, or amend its or his previous report or recommenda-
20 tion as it or he may consider just: Provided that the Minister shall not return any such report or recommendation more than once.

25 The report or recommendation made on such further consideration may be the subject of an appeal or reference to the Land and Valuation Court.

(b) (i) by omitting from section twenty-six the words "which rules and regulations upon notification in the Gazette shall have the full force of law";

Sec. 26.
(Appoint-ment of trustees.)

(ii) by inserting at the end of the same section the following new subsections:—

35 (2) Trustees appointed under subsection one of this section, or appointed under any of the provisions of the Public Trusts Act, 1897, other than section one of that Act, shall
have

Crown Lands and Closer Settlement (Amendment).

5 have and shall be deemed always to have had power to make rules and regulations not inconsistent with this or any other Act or with any terms, conditions and limitations imposed upon the trustees pursuant to any Act—

- 10 (a) for the care and management of the land of which they are the trustees;
- (b) for the protection of shrubs, trees and herbage growing upon such land;
- 15 (c) for the removal of trespassers and other persons causing annoyance or inconvenience upon such land;
- (d) for the regulation of meetings of the trustees and the conduct of business thereat;
- (e) imposing a penalty not exceeding twenty pounds for any breach of the rules and regulations.

20 This subsection shall not apply in any case where, under the provisions of any other Act, power is conferred on the Governor, the Minister or the trustees to make rules and regulations, by-laws or ordinances for or

25 with respect to any of the matters referred to in the foregoing provisions of this subsection in relation to the land of which the trustees have been so appointed trustees.

30 (3) All rules and regulations made under this section after the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, shall—

- (a) after approval by the Governor be published in the Gazette;
- 35 (b) take effect from the date of publication or from a later date to be specified in the rules and regulations; and

(c)

Crown Lands and Closer Settlement (Amendment).

5 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

10 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the rules and regulations have been laid before such House disallowing any rule and regulation or part thereof, such rule and regulation or part shall thereupon cease to have effect.

15 (4) A copy of such rules and regulations shall be posted in some conspicuous place in such land.

20 (c) by omitting subsection two of section fifty-seven and by inserting in lieu thereof the following subsection:—

25 (2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

30 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

35 (d) by inserting at the end of subsection three of section one hundred and nine the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the

Sec. 57.
(Conversion of conditional lease into additional conditional purchase.)

Sec. 109.
(Conversion: Conditional purchase lease into conditional purchase and conditional lease.)

Crown Lands and Closer Settlement (Amendment).

the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."

(e) by inserting at the end of section one hundred and twenty-three the following new subsection—

(3) No transfer of the lands described in the grant of a homestead farm shall be registered by the Registrar-General unless the Minister certifies, in the prescribed form, that all the conditions of the grant have been duly performed up to the date of such certificate, and the registration of such transfer shall be evidence of the performance of all the conditions under the grant up to the date of the aforesaid certificate.

Sec. 123.
(Homestead farm:
Inquiry by board and issue of grant.)

(f) by inserting next after subsection two of section 123A the following new subsections—

(2A) Rent in respect of the homestead farm shall be paid up to the date of the application for conversion, and upon default in the payment thereof within the time allowed by the Minister the approval of the application for conversion may be cancelled.

Sec. 123A.
(Right of conversion.)

(2B) Where upon adjustment of moneys after approval of the conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

(g)

Crown Lands and Closer Settlement (Amendment).

- 5 (g) (i) by inserting in subsection one of section one hundred and eighty-three after the word "section" the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."
- 10
- (ii) by inserting after subsection two of the same section the following new subsection—
- 15 (2A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:
- 20
- 25 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.
- 30 (h) (i) by inserting at the end of paragraph (h) of subsection one of section one hundred and eighty-four the words "or pending the payment of the balance of purchase money in respect of the conditional purchase, as the case may be, and in any such case the cost of survey or subdivision shall be paid by the holder for the time being within one month after he has been called upon to do so, and upon default the holding shall be liable to be forfeited."
- 35
- 40 (ii)

Séc. 183.
(Conversion
of home-
stead
selection
or grant
or home-
stead
farm.)

Séc. 184.
(Conversion
of settlement
lease or
Crown-lease.)

Crown Lands and Closer Settlement (Amendment).

(ii) by inserting next after the same subsection the following new subsection:—

5 (1A) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

10

15 Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

20 (i) (i) by inserting at the end of subsection one of section one hundred and ninety the following word and new paragraph:—

or

(g) a Crown-lease or an additional Crown-lease;

Sec. 190.
(Conversion of special lease or church and school lands lease.)

25 (ii) by inserting in paragraph (a) of subsection two of the same section after the words "mineral field" the words "or within any reserve for mining or mining purposes within the meaning of section one hundred and six of the Mining Act, 1906-1935";

30 (iii) by inserting in paragraph (b) of the same subsection after the words "local land board" the word "substantially";

35 (iv) by inserting in paragraph (d) of the same subsection after the words "approval of" the words "and subject to such special conditions as may be recommended by";

(v)

Crown Lands and Closer Settlement (Amendment).

- (v) by inserting at the end of the same subsection the following word and new paragraph:—
and
- 5 (e) a conversion shall not be allowed of land reserved from sale for public recreation or from sale for future public requirements;
- 10 (vi) by inserting in subsection five of the same section after the word “it” where secondly occurring the words and parentheses “shall also report as to what special conditions (if any) should attach to the holding after conversion and”;
- 15 (vii) by inserting in subsection seven of the same section after the words “homestead farm” the symbols and words “—or additional homestead farm—or Crown-lease—or additional Crown-lease”;
- 20 (viii) by inserting in the same subsection after the word “respectively” the words and parentheses “and also to the special conditions (if any) which the Minister on the recommendation of the local land board, may impose”;
- 25 (ix) by inserting at the end of the same subsection the following new paragraph:—
(d) where the conversion is into a Crown-lease or an additional Crown-lease the annual rent shall be the rent determined by the local land board pursuant to subsection five of this section;
- 30 (x) by inserting in subsection eight of the same section after the words “additional homestead farm” the words “or the Crown-lease or the additional Crown-lease”;
- 35 (j)

Crown Lands and Closer Settlement (Amendment).

- (j) (i) by inserting in section one hundred and ninety-four after the word "purchase" where firstly occurring the words "or conditional lease";
- 5 (ii) by inserting next after paragraph two of the same section the following new paragraph:—
- (2A) Where the holding the subject of the application for conversion is a conditional lease which was formerly comprised in a settlement lease, the application shall not be approved as to so much of the land comprised in that conditional lease as constitutes an area which has been determined to be non-convertible under the provisions of section one hundred and
- 10 eighty-four of this Act and has not been declared to be convertible under the provisions of section 188A of this Act.
- 15
- 20 (k) by inserting at the end of section one hundred and ninety-nine the words and figures—
- For the purposes of this section the expressions "lease other than an annual lease" and "lease from the Crown" shall be construed as including a lease under the Prickly-pear Destruction Act, 1901, or the Prickly-pear Acts, 1924-1934;
- 25
- (l) (i) by omitting from subsection one of section two hundred and two the words "and within the prescribed time";
- 30 (ii) by omitting from the same subsection the words and figures "A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate";
- 35
- (iii)

Sec. 194.
(Conversion of certain holdings into home-stead farms.)

Sec. 199.
(Contribution to cost and maintenance of fencing.)

Sec. 202.
(Enclosure of roads and water-courses.)

Crown Lands and Closer Settlement (Amendment).

- 5 (iii) by omitting from subsection six of the same section the words "the person occupying or using the land embraced by such road or watercourse" and by inserting in lieu thereof the words "the holder for the time being of the holding under the Crown Lands Acts or of the freehold with which such road or watercourse is enclosed";
- 10 (iv) by inserting in the same subsection after the words "may be" the words "or may have been";
- (v) by inserting in the same subsection after the word "being" the words "or having been";
- 15 (m) (i) by omitting from subsection three of section two hundred and six the word "final"; Sec. 206. (Operation of forfeiture.)
- (ii) by inserting in subsection four of the same section next after the words "suburban holding" the words and figures "or of a purchase of the land comprised in a residential lease, week-end lease, or lease of town lands under section 82A of this Act";
- 20 (n) (i) by omitting from paragraph (a) of subsection one of section two hundred and seventy-four the words and symbols "Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)—in the case of a homestead farm or Crown lease—of the Minister," and by inserting in lieu thereof the words "of the Minister substantially";
- 25 (ii) by inserting in subsection two of the same section after the word "transfer" where firstly occurring the words and symbols "Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)—except by way of mortgage or release of mortgage—";
- 30 (iii) by omitting from the same subsection the words and symbols "in the prescribed form—in the case of a homestead farm or
- 35 **Crown**

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Crown-lease—to the Minister” and by inserting in lieu thereof the words “to the Minister in the prescribed form”;

(iv) by omitting the proviso to the same subsection;

(o) by omitting subsection two of section three hundred and seven, and by inserting in lieu thereof the following subsection:—

Sec. 307.
(Conversion of existing conditional leases into additional conditional purchases.)

(2) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown:

Provided that except with the approval of the Colonial Treasurer no direction shall be given which would involve a transfer of moneys from the Consolidated Revenue Fund to any other Fund.

9. The Crown Lands Consolidation Act, 1913, is further amended—

Further amendment of Act No. 7, 1913.

(a) (i) by omitting from the short heading to section one hundred and sixty-five the words “pastoral or homestead lease or”;

Sec. 165.
(Reverter to pastoral or homestead lease or occupation license.)

(ii) by omitting from the same section the words “pastoral or homestead lease or” wherever occurring;

(iii) by omitting from subsection one of the same section the words “lease or” where thirdly, fourthly and fifthly occurring;

(iv) by omitting from the same subsection the words “pastoral lease or” wherever occurring;

(v)

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- (v) by omitting from subsection two of the same section the words "as the case may be";
- (vi) by omitting from the same subsection the words "lease or" where lastly occurring;
- 5 (vii) by omitting from subsection three of the same section the words "lease or" wherever occurring;
- (viii) by omitting from the same subsection the words "rent or" wherever occurring;
- 10 (b) (i) by omitting from subsection one of section one hundred and ninety-three the words "any pastoral or homestead lease in the Western Division or of";
- 15 (ii) by omitting from the same subsection the words "not being within a pastoral or homestead lease or" and by inserting in lieu thereof the words "or of any";
- 20 (iii) by omitting from the same subsection the words "in the case of a pastoral or homestead lease in the Western Division not exceeding six hundred and forty acres in area and in any other case under the section" and by inserting in lieu thereof the words "not substantially exceeding";
- 25 (iv) by omitting from the same subsection the words "home maintenance area" where secondly occurring and by inserting in lieu thereof the word "portion";
- 30 (v) by omitting from paragraph (g) of the same subsection the words "an improvement lease or scrub lease" and by inserting in lieu thereof the words "a lease of any of the kinds hereinbefore particularised";
- 35 (c) by omitting from subsection one of section 193A the words "Upon application as prescribed";
- (d) by omitting from section two hundred and eleven the words "The provisions of this section shall, so far as applicable, extend to homestead

Sec. 193.
(Conversion of certain leases into homestead selections or grants.)

Sec. 193A.
(Conversion of prickly-pear leases.)

Sec. 211.
(Forfeiture for want of good faith.)

Crown Lands and Closer Settlement (Amendment).

homestead leases recommended for approval on or after the first day of June, one thousand eight hundred and ninety-five”;

- 5 (e) by omitting paragraph (a) of the proviso to section two hundred and nineteen;
- Sec. 219.
(When improvements become the property of the Crown.)
- (f) (i) by omitting from section two hundred and thirty-two the words “pastoral or homestead lease or”;
- Sec. 232.
(Survey of boundaries of pastoral and homestead leases and occupation licenses.)
- 10 (ii) by omitting from the same section the words “a pastoral lease or occupation license” and by inserting in lieu thereof the words “the occupation license”;
- (iii) by omitting from the same section the words
- 15 “If the survey be made otherwise than at the request of the holder of the pastoral lease, or in the case of a homestead lease whether at the request of the holder thereof or otherwise, the Minister may, upon such survey being made, demand from the holder
- 20 of the pastoral lease or homestead lease, as the case may be, towards defraying the cost thereof, any sum not exceeding twenty shillings for each linear mile of the boundary so surveyed”;
- 25 (iv) by omitting from the same section the words “the pastoral or homestead lease or occupation license, as the case may be,” and by inserting in lieu thereof the words “the occupation license”;
- 30 (g) by omitting from subsection two of section two hundred and thirty-three the words “any pastoral or homestead lease in the Western Division, or from”;
- Sec. 233.
(Withdrawal from lease or license.)
- (h)

Crown Lands and Closer Settlement (Amendment).

- (h) by omitting from section two hundred and thirty-six the words and symbol "or a homestead lease—";
- 5 (i) by omitting from subsection one of section two hundred and fifty the words "homestead lease";
- (j) (i) by omitting from subsection one of section two hundred and seventy the words "or homestead lessee" wherever occurring;
- 10 (ii) by omitting from the same subsection the words "or lessee";
- (k) by omitting from section two hundred and seventy-five the words and parenthesis "a pastoral lease or occupation license) then of such pastoral lease or occupation license" and by inserting in lieu thereof the words and parenthesis "an occupation license) then of such occupation license."
- 15
- 20 **10.** (1) The Closer Settlement Act, 1904, is further amended—
- (a) by omitting from section twenty-eight the word "Saturday" and by inserting in lieu thereof the word "Friday";
- (b) (i) by omitting from section forty-six the words "the person occupying or using the land embraced by such road" and by inserting in lieu thereof the words "the holder for the time being of the purchase or lease under this Act with which such road is enclosed";
- 25 (ii) by inserting in the same section after the words "may be" where secondly occurring the words "or may have been";
- 30 (iii) by inserting in the same section after the words "upon the matter being" the words "or having been."
- 35

Sec. 236.
(Devise, contract, etc., void in certain cases.)

Sec. 250.
(Impounding and actions for trespass.)

Sec. 270.
(Transfer under legal process, etc.)

Sec. 275.
(Adjustment of boundaries.)

Further amendment of Act No. 37, 1904.

Sec. 28.
(Applications, inquiry, and disposal by land board, appeal barred.)

Sec. 46.
(Enclosure of roads.)

Crown Lands and Closer Settlement (Amendment).

(2) The Closer Settlement (Amendment) Act, 1914, is amended by inserting in subsection one of section four after the words "within a settlement purchase area" the words "or any land acquired under the Closer Settlement Acts."

Amendment
of Act No. 7,
1914.
Sec. 4.
(After-auction
sale or lease
at upset price.)

(3) The Closer Settlement (Amendment) Act, 1918, is amended by omitting from section three the words "The Minister may grant, refuse, or modify any application under this section, and may apportion the capital value of the settlement purchase between the subdivided parts" and by inserting in lieu thereof the following words—

Amendment
of Act No.
48, 1918.
Sec. 3.
(Subdivision
of settle-
ment pur-
chases.)

The Minister shall have and shall be deemed always to have had power to grant with or without modification any application under this section and to apportion the capital value of the settlement purchase between the subdivided parts, as from the date specified by him at the time of such granting, which date shall be a date not earlier than the first day of December next preceding the date of the application and not later than the first day of December next following the date of the granting of the application. The Minister may refuse any such application.

(4) The Closer Settlement (Amendment) Act, 1919, is amended by inserting at the end of section twelve the following new subsection:—

Amendment
of Act No.
46, 1919.
Sec. 12.

(2) Where a subdivision is effected of the land or portion subject to a charge under this section, or where part of the land or portion subject to any such charge is transferred the Minister may apportion the amount of such charge equitably between the respective parts resulting from such subdivision or transfer.

(Charge of
purchase
money on
land.)

An apportionment may be made under this subsection in any case where the subdivision was effected or part of the land or portion was transferred before the

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the commencement of the Crown Lands and Closer Settlement (Amendment) Act, 1938, as well as in any case where the subdivision is effected or part of the land or portion is transferred after such commencement.

SCHEDULE.

Sec. 2.

Number of Act.	Short Title.	Extent of Repeal.
1917, No. 27...	Crown Lands (Amendment) Act, 1917.	So much of section 4 as inserted " A public road as defined by the Local Government Act, 1906, or any amendment thereof, shall not be enclosed without the permission of the council of the municipality or shire in which the land is situate " in section 202 (1) of the Principal Act.
1932, No. 69...	Crown Lands (Amendment) Act, 1932.	Paragraphs (g) and (h) of section 10.
1935, No. 6 ...	Crown Lands, Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1935.	Paragraphs (f) and (o) of subsection one of section 6.
1935, No. 51...	Crown Lands (Amendment) Act, 1935.	The whole Act.

(1881) ...

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