I certify that this PUBLIC BILL, which originated in the LEGIS-LATIVE 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, 22 March, 1945.

## new South Wales.



## ANNO NONO REGIS. GEORGII

### Act No. 23, 1945.

An Act to impose certain restrictions on dealings with certain leases; to alter the constitution of local land boards; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 5th April, 1945.]

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

1. (1) This Act may be cited as the "Western Lands Short title (Amendment) Act, 1945."

and commencement.

(2)

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

> G. BOOTH. Chairman of Committees of the Legislative Assembly.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Western Lands Act of 1901, as amended by sub-Amendment sequent Acts, is amended—

of Act No. 70, 1901. Sec. 18p.

(Provisions governing leases.)

Sec. 18g. (Transfers.) cf. Act No. e1. Act No. 38, 1943, s. 11 (3); Act No. 16, 1943 (N.Z.) s. 50 (3).

held in the same interest as may reasonably be required by him." (b) by inserting next after subsection one of section 18g the following new subsection :--

(a) by omitting from paragraph (ii) of section 18D

the words "as may reasonably be required by

him as such lessee" and by inserting in lieu thereof the words "or on any contiguous land

(1A) (a) Without prejudice to the generality of the discretion conferred on the Minister by subsection one of this section the Minister shall. in considering any such application for consent in respect of a lease granted after the commencement of the Western Lands (Amendment) Act, 1945, pursuant to section twenty-three of this Act, have regard to the desirability of preventing undue increases in the price of land and its use for speculative or uneconomic purposes, taking into account the circumstances of the particular case and all other relevant considerations including in particular the following matters :-

- (i) the amount of the purchase money, rent or other consideration to be paid and the extent to which it exceeds the fair market value of the land or the rent or other consideration appropriate to that fair market value;
- (ii) the terms of the transaction, and the terms of any other transaction in any way related thereto.

(b) Where upon consideration of the application and having regard to the matters referred to in this subsection the Minister is of opinion that consent should not be given he may refuse such consent.

#### Act No. 23, 1945.

#### Western Lands (Amendment).

(c) The Minister shall refuse such consent where the amount of the purchase money, rent or other consideration appears to him to exceed by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value.

(d) Where the Minister refuses any consent in accordance with paragraph (c) of this subsection any party to the transaction may appeal therefrom to the local land board.

Any such appeal shall be in the nature of a rehearing and shall be made in the manner and within the time and in or to the effect of the form and shall be accompanied by the deposit prescribed. The local land board shall have jurisdiction to hear and determine any such appeal. The local land board shall determine the fair market value of the land, or the rent or other consideration appropriate to the fair market value, as the case may require. Any such determination of a local land board may be the subject of an appeal or reference to the Land and Valuation Court in accordance with subsection six of section nine of this Act.

(e) The Minister shall refuse consent to the transaction if the price being paid in respect thereof exceeds the fair market value of the land or the rent or other consideration appropriate to the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

(f) For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis

basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted.

Sec. 18H. (Mortgages and devolutions.) (c) (i) by omitting from subsection two of section 18<sup>H</sup> the words "upon application to the Minister, obtain a certificate from the Minister that he is entitled to hold the lease or such person may, subject to this Act, sell and transfer the lease" and by inserting in lieu thereof the words "subject to this Act transfer the lease, or make application to the Minister for a certificate that he is entitled to remain the holder of the lease upon the expiration of such period. The Minister shall have discretion to grant or refuse any such application.

If such person does not within such period obtain the certificate of the Minister as aforesaid or does not transfer the lease the same shall be liable to be forfeited."

(ii) by omitting from the same subsection the words "If such person does not within any such period become the registered holder of the lease, or does not transfer the lease as aforesaid, the same shall be liable to be forfeited."

**3.** (1) The Western Lands Act of 1901, as amended by subsequent Acts, is further amended—

Sec. 3. (Interpretation.)

Further amendment of Act No. 70, 1901.

> "Chairman"; (b) (i) by omitting subsection three of section four

> (a) by omitting from section three the definition of

Sec. 4. (Commissioner and Assistant Commissioners.)

(1) by omitting subsection three of section four and by inserting in lieu thereof the following subsection:—

> (3) The Governor may appoint two persons to be Assistant Western Lands Comsioners (in this Act hereinafter referred to as "Assistant Commissioners").

> > A

A person so appointed shall—

- (a) act as a member of such of the local land boards as the Commissioner may from time to time direct; and
- (b) exercise and perform such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may direct generally, or in any special case.
- (ii) by omitting from subsection four of the same section the words "the chairmen" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioners";
- (iii) by omitting from the same subsection the words "Such salaries shall be subject to any deduction provided by the Public Service Salaries Acts, 1931-1933, or any Act amending the same or replacing the same";
- (iv) by omitting from subsection five of the same section the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner";
- (v) by omitting from subsection six of the same section the words "a chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";
- (vi) by omitting from the same subsection the words "the chairman" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioner";
- (c) (i) by omitting from section five the words "a Sec. 5. chairman" and by inserting in lieu thereof (Disabilities the words "an Assistant Commissioner";
  - (ii) by omitting from the same section the word and Assist-"chairman" where secondly and thirdly sioners.) occurring and by inserting in lieu thereof the words "Assistant Commissioner";

of Commissioner

(d)

Sec. 6. (Public Service Act, 1902, not to apply to appointment of or to Commissioner or Assistant Commiscioners.)

- (d) (i) by omitting from subsection one of section six the words "a chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";
  - (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to—

- (a) any officer of the Public Service appointed as Commissioner or Assistant Commissioner; or
- (b) any person who was such an officer at the time he was so appointed and who may be reappointed as Commissioner or Assistant Commissioner, as the case may be; or
- (c) any person who, having been appointed as Assistant Commissioner, may be appointed or reappointed as Commissioner; or
- (d) any person appointed as Assistant Commissioner who, immediately before the commencement of the Western Lands (Amendment) Act, 1945, was a chairman of local land boards and who was an officer of the Public Service at the time of his appointment as chairman of local land boards; or
- (e) any person appointed or reappointed as Commissioner who was a chairman of local land boards at the time he was appointed Commissioner and who at the time of his appointment as such chairman was an officer of the Public Service.

(iii)

Act No. 23, 1945.

#### Western Lands (Amendment).

- (iii) by omitting from subsection four of the same section the words "Any officer of the Public Service so appointed or any such person so reappointed or appointed" and by inserting in lieu thereof the words "Any person to whom subsection three of this section applies";
- (e) (i) by omitting from subsection one of section sec. 7. seven the words "a chairman" and by (Vacation inserting in lieu thereof the words "an of office.) Assistant Commissioner'':
  - (ii) by omitting from subsection two of the same section the words "the chairmen" and by inserting in lieu thereof the words "the Assistant Commissioners'':
- (f) (i) by omitting from section eight the words "a sec. 8. chairman'' wherever occurring and by (Appointinserting in lieu thereof the words "an deputy.) Assistant Commissioner'':
  - (ii) by omitting from the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "Assistant Commissioner";
- (g) (i) by omitting subsection three of section sec. 9. nine and by inserting in lieu thereof the (Power to following subsection :---

establish administrative

(c)

(3) (a) The members of a local land districts.) board shall be three in number and shall comprise the Commissioner, an Assistant Commissioner and a person to be appointed by the Governor.

(b) Two members shall constitute a quorum; and, except as provided in paragraph (c) of this subsection, shall be competent to transact any business of the local land board and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board.

7.

(c) Any application for lease coming before a local land board in pursuance of the provisions of section twenty-five or section twenty-six of this Act, or referred to a local land board in pursuance of the provisions of section  $10_A$  of this Act, shall be dealt with by all three members of the local land board.

(d) The Commissioner shall preside at all sittings at which he is present and shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.

In the absence of the Commissioner an Assistant Commissioner shall preside and, when so doing, shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.

- (ii) by omitting from paragraph (b) of subsection five of the same section the words "A chairman" wherever occurring and by inserting in lieu thereof the words "The Commissioner or an Assistant Commissioner";
- (iii) by omitting from paragraph (c) of the same subsection the word "chairman" and by inserting in lieu thereof the words "Assistant Commissioner";
- (iv) by omitting from subsection six of the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "the Commissioner or an Assistant Commissioner";
- (h) by omitting from section twelve the words "a chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";

Sec. 12. (Right to enter on Crown lands.)

- (i) (i) by inserting in section 35L after the word Sec. 35L.
   "Commissioner" where firstly occurring the words "or an Assistant Commissioner";
  - (ii) by omitting from the same section the words
     "or chairman, as the case may be," and by
     inserting in lieu thereof the words "or
     Assistant Commissioner";

(2) (a) The persons who immediately before the savings. commencement of this Act held office as chairmen of local land boards shall be deemed to have been appointed under the Western Lands Act of 1901, as amended by subsequent Acts, including this Act, as Assistant Commissioners. The term of office of an Assistant Commissioner deemed to have been so appointed shall, subject to the Western Lands Act of 1901, as so amended, be ten years as from the date on which he was appointed as chairman of local land boards.

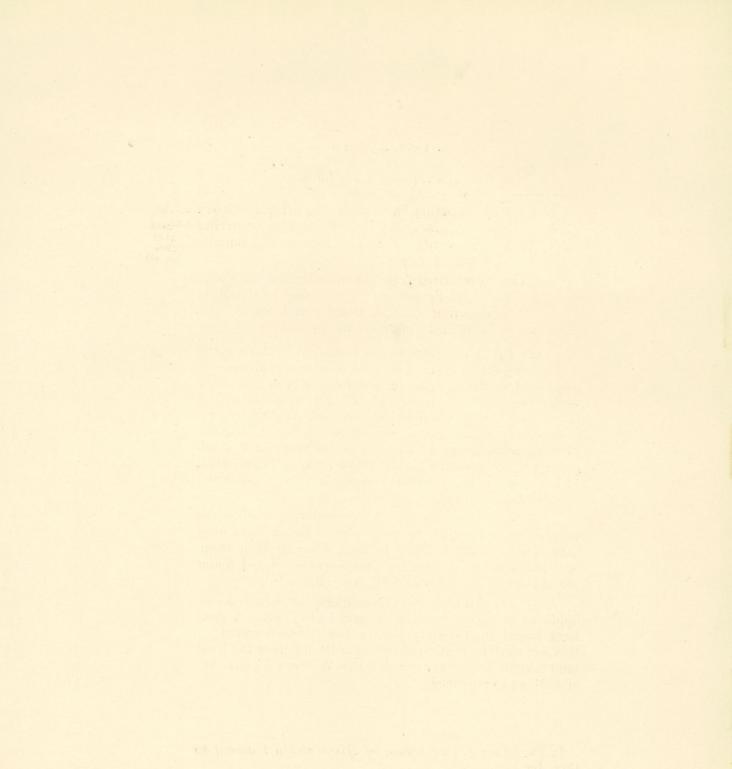
(b) The persons who immediately before the commencement of this Act held office as members of local land boards shall continue to hold office as such members and shall be deemed to have been appointed under the Western Lands Act of 1901, as so amended.

(c) All matters, proceedings, investigations or inquiries initiated, pending or part heard before a local land board immediately before the commencement of this Act shall be continued and completed before the local land boards constituted under the Western Lands Act of 1901, as so amended.

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

> WAKEHURST, Governor.

Government House, Sydney, 5th April, 1945.



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#### WESTERN LANDS (AMENDMENT) BILL.

Schedule of the Amendment referred to in Legislative Council's Message of 21st March, 1945.

Page 2, clause 2, lines 12 to 28. Omit paragraph (b). 66025 70-

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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, 14 March, 1945.

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

> W. K. CHARLTON, Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 21st March, 1945.



## ANNO NONO

#### GEORGII VI REGIS

## Act No. , 1945.

An Act to impose certain restrictions on dealings with certain leases; to alter the constitution of local land boards; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

DE 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. (1) This Act may be cited as the "Western Lands short title (Amendment) Act, 1945,"

and commencement.

66025 70-A

Note .- The words to be omitted are ruled through.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Western Lands Act of 1901, as amended by sub-Amendment of Act No. **5** sequent Acts, is amended— 70, 1901.

- (a) by omitting from paragraph (ii) of section 18D Sec. 18D. the words "as may reasonably be required by (Provisions him as such lessee" and by inserting in lieu leases.) thereof the words "or on any contiguous land held in the same interest as may reasonably be required by him."
- (b) by inserting next after section 18F the following New [sec. 18FF new section :-

18FF. A lease granted after the commence- Restrictions ment of the Western Lands (Amendment) Act, as to transfer. 1945, pursuant to section twenty-three of this cf. Act Act, shall not be capable of being transferred, No. 7 conveyed, assigned or otherwise dealt with 273. (except by way of mortgage or discharge of mortgage) before the expiration of ten years from the commencement of title thereto unless the Minister is satisfied that the holder is compelled by sickness of himself or family, financial difficulties, incapacity or other adverse circumstances to sell or cease working such lease.

Nothing in this section shall affect the operation of the provisions of subsection two of section 18n of this Act.

(b) (c) by inserting next after subsection one of section Sec. 18g. 18g the following new subsection :--

(Transfers.) cf. Act No.

(1A) (a) Without prejudice to the generality 38, 1943, of the discretion conferred on the Minister by s. 11 (3); Act No. 16, subsection one of this section the Minister shall, 1943 (N.Z.) in considering any such application for consent s. 50 (3). in respect of a lease granted after the commencement of the Western Lands (Amendment) Act, 1945, pursuant to section twenty-three of this Act, have regard to the desirability of preventing undue increases in the price of land and its use

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use for speculative or uneconomic purposes, taking into account the circumstances of the particular case and all other relevant considerations including in particular the following matters :—

- (i) the amount of the purchase money, rent or other consideration to be paid and the extent to which it exceeds the fair market value of the land or the rent or other consideration appropriate to that fair market value;
- (ii) the terms of the transaction, and the terms of any other transaction in any way related thereto.

(b) Where upon consideration of the application and having regard to the matters referred to in this subsection the Minister is of opinion that consent should not be given he may refuse such consent.

(c) The Minister shall refuse such consent where the amount of the purchase money, rent or other consideration appears to him to exceed by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value.

(d) Where the Minister refuses any consent in accordance with paragraph (c) of this subsection any party to the transaction may appeal therefrom to the local land board.

Any such appeal shall be in the nature of a rehearing and shall be made in the manner and within the time and in or to the effect of the form and shall be accompanied by the deposit prescribed. The local land board shall have jurisdiction to hear and determine any such appeal. The local land board shall determine the fair market value of the land, or the rent or other consideration appropriate to the fair market value, as the case may require. Any such determination of a local land board may be

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the subject of an appeal or reference to the Land and Valuation Court in accordance with subsection six of section nine of this Act.

(e) The Minister shall refuse consent to the transaction if the price being paid in respect thereof exceeds the fair market value of the land or the rent or other consideration appropriate to the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

(f) For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted.

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(ii)

(c) (d) (i) by omitting from subsection two of section Sec. 18 ... 18H the words "upon application to the (Mortgages Minister, obtain a certificate from the Min- lutions.) ister that he is entitled to hold the lease or such person may, subject to this Act, sell and transfer the lease" and by inserting in lieu thereof the words "subject to this Act transfer the lease, or make application to the Minister for a certificate that he is entitled to remain the holder of the lease upon the expiration of such period. The Minister shall have discretion to grant or refuse any such application.

> If such person does not within such period obtain the certificate of the Minister as aforesaid or does not transfer the lease the same shall be liable to be forfeited."

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	Western Lands (Amendment).	and the second s
Б	(ii) by omitting from the same subsection the words "If such person does not within any such period become the registered holder of the lease, or does not transfer the lease as aforesaid, the same shall be liable to be forfeited."	
	3. (1) The Western Lands Act of 1901, as amended by subsequent Acts, is further amended—	Further amendment of Act No. 70, 1901.
10	Charling ,	Sec. 3. (Interpreta- tion.)
15	<ul> <li>(b) (i) by omitting subsection three of section four and by inserting in lieu thereof the following subsection:— <ul> <li>(3) The Governor may appoint two persons to be Assistant Western Lands Comsioners (in this Act hereinafter referred to as "Assistant Commissioners").</li> </ul> </li> </ul>	Sec. 4. (Commis- sioner and Assistant Com- missioners.)
20	<ul> <li>A person so appointed shall—</li> <li>(a) act as a member of such of the local land boards as the Commissioner may from time to time direct; and</li> </ul>	
25	(b) exercise and perform such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may direct generally, or in any special case.	
30	<ul> <li>(ii) by omitting from subsection four of the same section the words "the chairmen" wherever occurring and by inserting in lieu thereof the words "the Assistant Commis- sioners";</li> </ul>	đ
35	<ul> <li>(iii) by omitting from the same subsection the words "Such salaries shall be subject to any deduction provided by the Public Service Salaries Acts, 1931-1933, or any Act amending the same or replacing the same";</li> </ul>	÷:
40	<ul> <li>(iv) by omitting from subsection five of the same section the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner";</li> </ul>	

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		Western Lands (Amendment).	
	(v)	by omitting from subsection six of the same section the words "a chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";	
5	(vi)	by omitting from the same subsection the words "the chairman" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioner";	
10		by omitting from section five the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner"; by omitting from the same section the words	Sec. 5. (Disabilities of Commis- sioner and Assist- ant Commis-
15	2 41 10	"chairman" where secondly and thirdly occurring and by inserting in lieu thereof the words "Assistant Commissioner";	sioners.)
20	(ii) (ii)	by omitting from subsection one of section six the words "a chairman" wherever occur- ring and by inserting in lieu thereof the words "an Assistant Commissioner"; by omitting subsection three of the same section and by inserting in lieu thereof the	Sec. 6. (Public Service Act, 1902, not to apply to appointment of or to Com- missioner or Assistant Commis- sioners.)
25		<ul> <li>following subsection:—</li> <li>(3) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to—</li> </ul>	
30		(a) any officer of the Public Service appointed as Commissioner or Assistant Commissioner; or	
35		(b) any person who was such an officer at the time he was so appointed and who may be reappointed as Commissioner or Assistant Com- missioner, as the case may be; or	
		<ul> <li>(c) any person who, having been appointed as Assistant Commis- sioner, may be appointed or reappointed as Commissioner; or</li> </ul>	
	in the is	(d)	

	Western Lands (Amendment).	÷ .
	(d) any person appointed as Assistant Commissioner who, immediately before the commencement of the	
	Western Lands (Amendment) Act, 1945, was a chairman of local land boards and who was an officer of the Public Service at the time of his appointment as chairman of local land boards; or	5
	(e) any person appointed or reappoin- ted as Commissioner who was a chairman of local land boards at the time he was appointed Commis- sioner and who at the time of his	10
	appointment as such chairman was an officer of the Public Service. (iii) by omitting from subsection four of the same section the words "Any officer of the Public Service so appointed or any such	15
	person so reappointed or appointed'' and by inserting in lieu thereof the words "Any person to whom subsection three of this section applies";	20
(Vacatio	<ul> <li>(e) (i) by omitting from subsection one of section seven the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner";</li> <li>(ii) by omitting from subsection two of the same</li> </ul>	25
	<ul><li>section the words "the chairmen" and by inserting in lieu thereof the words "the Assistant Commissioners";</li><li>(f) (i) by omitting from section eight the words "a</li></ul>	30
(Appoin ment of deputy.)	<ul> <li>chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";</li> <li>(ii) by omitting from the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "Assistant Commissioner";</li> </ul>	35
	"Assistant Commissioner"; (g)	- *

		Act No. , 1945.		8
_		Western Lands (Amendment).		
5	<b>(g)</b> (i)	by omitting subsection three of section nine and by inserting in lieu thereof the following subsection:	Sec. 9. (Power to establish adminis- trative districts.)	
10 [		(b) Two members shall constitute a quorum; and, except as provided in para- graph (c) of this subsection, shall be com- petent to transact any business of the local land board and shall have and may exercise all the powers and authorities by this Act		
15		<ul> <li>conferred upon the local land board.</li> <li>(c) Any application for lease coming before a local land board in pursuance of the provisions of section twenty-five or section twenty-six of this Act, or referred to</li> </ul>		
20		<ul> <li>a local land board in pursuance of the provisions of section 10A of this Act, shall be dealt with by all three members of the local land board.</li> <li>(d) The Commissioner shall preside</li> </ul>		
25		at all sittings at which he is present and shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.		
30		In the absence of the Commissioner an Assistant Commissioner shall preside and, when so doing, shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.		
35	(ii)	by omitting from paragraph (b) of subsec- tion five of the same section the words "A chairman" wherever occurring and by inserting in lieu thereof the words "The Commissioner or an Assistant Commis-		
40		sioner''; (iii)		

Western Lands (Amendment). (iii) by omitting from paragraph (c) of the same subsection the word "chairman" and by inserting in lieu thereof the words "Assistant Commissioner"; (iv) by omitting from subsection six of the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "the Commissioner or an Assistant Commissioner'': (h) by omitting from section twelve the words "a Sec. 12. chairman" wherever occurring and by inserting (Right to in lieu thereof the words "an Assistant Commis- enter on Crown sioner"; lands.) (i) (i) by inserting in section 35L after the word Sec. 35L. "Commissioner" where firstly occurring (Amendthe words "or an Assistant Commis- applicasioner"; tions, etc.) (ii) by omitting from the same section the words "or chairman, as the case may be," and by inserting in lieu thereof the words "or Assistant Commissioner"; (2) (a) The persons who immediately before the savings. commencement of this Act held office as chairmen of

commencement of this Act held office as chairmen of local land boards shall be deemed to have been appointed
25 under the Western Lands Act of 1901, as amended by subsequent Acts, including this Act, as Assistant Commissioners. The term of office of an Assistant Commissioner deemed to have been so appointed shall, subject to the Western Lands Act of 1901, as so amended,
30 be ten years as from the date on which he was appointed

as chairman of local land boards.

(b) The persons who immediately before the commencement of this Act held office as members of local land boards shall continue to hold office as such mem-35 bers and shall be deemed to have been appointed under the Western Lands Act of 1901, as so amended.

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(c) All matters, proceedings, investigations or inquiries initiated, pending or part heard before a local land board immediately before the commencement of this Act shall be continued and completed before the local

5 land boards constituted under the Western Lands Act of 1901, as so amended.

[10d.]

(3)

Sydney: Thomas Henry Tennant, Government Printer-1945

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, 14 March, 1945.

New South Wales.



#### GEORGII VI REGIS. \* \* \* \*

ANNO NONO

#### , 1945. Act No.

An Act to impose certain restrictions on dealings with certain leases; to alter the constitution of local land boards; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

) E 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. (1) This Act may be cited as the "Western Lands Short title (Amendment) Act, 1945."

and commencement.

70-A 66025

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Western Lands Act of 1901, as amended by sub-Amendment of Act No. 70, 1901. 5 sequent Acts, is amended—

- (a) by omitting from paragraph (ii) of section 18D Sec. 18D. the words "as may reasonably be required by (Provisions him as such lessee" and by inserting in lieu leases.) thereof the words "or on any contiguous land held in the same interest as may reasonably be required by him."
- (b) by inserting next after section 18F the following New sec. new section :---18 ....

18FF. A lease granted after the commence- Restrictions ment of the Western Lands (Amendment) Act, as to transfer. 1945, pursuant to section twenty-three of this cf. Act Act, shall not be capable of being transferred, No. 7, 1913, conveyed, assigned or otherwise dealt with  $\frac{ss. 264A}{273}$ . (except by way of mortgage or discharge of mortgage) before the expiration of ten years from the commencement of title thereto unless the Minister is satisfied that the holder is compelled by sickness of himself or family, financial difficulties, incapacity or other adverse circumstances to sell or cease working such lease.

Nothing in this section shall affect the operation of the provisions of subsection two of section 18<sub>H</sub> of this Act.

(c) by inserting next after subsection one of section Sec. 18a. 18g the following new subsection :---(Transfers.)

(1A) (a) Without prejudice to the generality 38, 1943, cf. Act No. of the discretion conferred on the Minister by s. 11 (3) Act No. 16 subsection one of this section the Minister shall, 1943 (N.Z.) in considering any such application for consent s. 50 (3). in respect of a lease granted after the commencement of the Western Lands (Amendment) Act, 1945, pursuant to section twenty-three of this Act, have regard to the desirability of preventing undue increases in the price of land and its use

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use for speculative or uneconomic purposes, taking into account the circumstances of the particular case and all other relevant considerations including in particular the following matters:—

- (i) the amount of the purchase money, rent or other consideration to be paid and the extent to which it exceeds the fair market value of the land or the rent or other consideration appropriate to that fair market value;
- (ii) the terms of the transaction, and the terms of any other transaction in any way related thereto.

(b) Where upon consideration of the application and having regard to the matters referred to in this subsection the Minister is of opinion that consent should not be given he may refuse such consent.

(c) The Minister shall refuse such consent where the amount of the purchase money, rent or other consideration appears to him to exceed by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value.

(d) Where the Minister refuses any consent in accordance with paragraph (c) of this subsection any party to the transaction may appeal therefrom to the local land board.

Any such appeal shall be in the nature of a rehearing and shall be made in the manner and within the time and in or to the effect of the form and shall be accompanied by the deposit prescribed. The local land board shall have jurisdiction to hear and determine any such appeal. The local land board shall determine the fair market value of the land, or the rent or other consideration appropriate to the fair market value, as the case may require. Any such determination of a local land board may be the

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the subject of an appeal or reference to the Land and Valuation Court in accordance with subsection six of section nine of this Act.

(e) The Minister shall refuse consent to the transaction if the price being paid in respect thereof exceeds the fair market value of the land or the rent or other consideration appropriate to the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

(f) For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted.

and devo-

(d) (i) by omitting from subsection two of section Sec. 18H. 18H the words "upon application to the (Mortgages Minister, obtain a certificate from the Min- lutions.) ister that he is entitled to hold the lease or such person may, subject to this Act, sell and transfer the lease" and by inserting in lieu thereof the words "subject to this Act transfer the lease, or make application to the Minister for a certificate that he is entitled to remain the holder of the lease upon the expiration of such period. The Minister shall have discretion to grant or refuse any such application.

> If such person does not within such period obtain the certificate of the Minister as aforesaid or does not transfer the lease the same shall be liable to be forfeited."

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- (ii) by omitting from the same subsection the words "If such person does not within any such period become the registered holder of the lease, or does not transfer the lease as aforesaid, the same shall be liable to be forfeited." 3. (1) The Western Lands Act of 1901, as amended Further amendment of Act No. 79, by subsequent Acts, is further amended— 1901 (a) by omitting from section three the definition of Sec 3. (Interpreta-"Chairman": tion.) (b) (i) by omitting subsection three of section four Sec. 4. (Commisand by inserting in lieu thereof the followsioner and ing subsection :--Assistant Com-(3) The Governor may appoint two permissioners.) sons to be Assistant Western Lands Comsioners (in this Act hereinafter referred to as "Assistant Commissioners"). A person so appointed shall— (a) act as a member of such of the local land boards as the Commissioner may from time to time direct; and (b) exercise and perform such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may direct generally, or in any special case. (ii) by omitting from subsection four of the same section the words "the chairmen" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioners''; (iii) by omitting from the same subsection the words "Such salaries shall be subject to any deduction provided by the Public Service Salaries Acts, 1931-1933, or any Act amending the same or replacing the same";
  - (iv) by omitting from subsection five of the same section the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner";

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	-	Western Lands (Amendment).	
	(v)	by omitting from subsection six of the same section the words "a chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";	
5	(vi)	by omitting from the same subsection the words "the chairman" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioner";	
10	(c) (i)	by omitting from section five the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner";	(Disabiliti of Commis sioner
15	(ii)	by omitting from the same section the words "chairman" where secondly and thirdly occurring and by inserting in lieu thereof the words "Assistant Commissioner";	and Assist- ant Commi sioners.)
	(d) (i)	by omitting from subsection one of section six the words "a chairman" wherever occur- ring and by inserting in lieu thereof the words "an Assistant Commissioner";	(Public Servi Act, 1902, not to apply to appointme of or to Com- missioner or
20	(ii)	by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—	Assistant Commis- sioners.)
25	•	(3) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to—	
30		(a) any officer of the Public Service appointed as Commissioner or Assistant Commissioner; or	
		(b) any person who was such an officer at the time he was so appointed and who may be reappointed as Commissioner or Assistant Com-	
35		missioner, as the case may be; or (c) any person who, having been appointed as Assistant Commis- sioner, may be appointed or reappointed as Commissioner; or (d)	

(d) any person appointed as Assistant Commissioner who, immediately before the commencement of the Western Lands (Amendment) Act, 1945, was a chairman of local land boards and who was an officer of the Public Service at the time of his appointment as chairman of local land boards; or (e) any person appointed or reappointed as Commissioner who was a chairman of local land boards at the time he was appointed Commissioner and who at the time of his appointment as such chairman was an officer of the Public Service. (iii) by omitting from subsection four of the same section the words "Any officer of the Public Service so appointed or any such person so reappointed or appointed" and by inserting in lieu thereof the words "Any person to whom subsection three of this section applies'': (e) (i) by omitting from subsection one of section sec. 7. seven the words "a chairman" and by (Vacation inserting in lieu thereof the words "an of office.) Assistant Commissioner"; (ii) by omitting from subsection two of the same section the words "the chairmen" and by inserting in lieu thereof the words "the Assistant Commissioners'';

- (f) (i) by omitting from section eight the words "a sec. 8. chairman" wherever occurring and by (Appointinserting in lieu thereof the words "an ment of deputy.) Assistant Commissioner'':
  - (ii) by omitting from the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "Assistant Commissioner";

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Act No. , 1945.

#### Western Lands (Amendment).

(g) (i) by omitting subsection three of section Sec. 9. nine and by inserting in lieu thereof the (Power to following subsection :-adminis-

(3) (a) The members of a local land districts.) board shall be three in number and shall comprise the Commissioner, an Assistant Commissioner and a person to be appointed by the Governor.

(b) Two members shall constitute a quorum; and, except as provided in paragraph (c) of this subsection, shall be competent to transact any business of the local land board and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board.

(c) Any application for lease coming before a local land board in pursuance of the provisions of section twenty-five or section twenty-six of this Act, or referred to a local land board in pursuance of the provisions of section 10A of this Act, shall be dealt with by all three members of the local land board.

(d) The Commissioner shall preside at all sittings at which he is present and shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.

In the absence of the Commissioner an Assistant Commissioner shall preside and, when so doing, shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.

(ii) by omitting from paragraph (b) of subsection five of the same section the words "A chairman" wherever occurring and by inserting in lieu thereof the words "The Commissioner or an Assistant Commissioner'';

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- (iii) by omitting from paragraph (c) of the same subsection the word "chairman" and by inserting in lieu thereof the words "Assistant Commissioner";
- (iv) by omitting from subsection six of the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "the Commissioner or an Assistant Commissioner";
- (h) by omitting from section twelve the words "a Sec. 12.
   chairman" wherever occurring and by inserting (Right to in lieu thereof the words "an Assistant Commissioner";
  - (i) (i) by inserting in section 35L after the word Sec. 35L.
     "Commissioner" where firstly occurring the words "or an Assistant Commissioner";
    - (ii) by omitting from the same section the words
       "or chairman, as the case may be," and by
       inserting in lieu thereof the words "or
       Assistant Commissioner";

(2) (a) The persons who immediately before the savings. commencement of this Act held office as chairmen of local land boards shall be deemed to have been appointed
25 under the Western Lands Act of 1901, as amended by subsequent Acts, including this Act, as Assistant Commissioners. The term of office of an Assistant Commissioner deemed to have been so appointed shall, subject to the Western Lands Act of 1901, as so amended,
30 be ten years as from the date on which he was appointed as chairman of local land boards.

(b) The persons who immediately before the commencement of this Act held office as members of local land boards shall continue to hold office as such mem 35 bers and shall be deemed to have been appointed under

the Western Lands Act of 1901, as so amended.

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#### Act No. , 1945.

#### Western Lands (Amendment).

(c) All matters, proceedings, investigations or inquiries initiated, pending or part heard before a local land board immediately before the commencement of this Act shall be continued and completed before the local 5 land boards constituted under the Western Lands Act of 1901, as so amended.

-Sydney: Thomas Henry Tennant, Government Printer-1945

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William D. C. M. Standard L. and S. Act of 4201. In Standard In the telephone of the Galaxie on Philad In The Standard Standard Computer Standard In Standard Standard In Standard In Standard Standard In Stan

#### , 1945. No.

# A BILL

impose certain restrictions on deal-To ings with certain leases; to alter the constitution of local land boards; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

[MR. TULLY;-13 March, 1945.]

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. (1) This Act may be cited as the "Western Lands Short title (Amendment) Act, 1945."

and commencement.

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(2)

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Western Lands Act of 1901, as amended by sub-Amendment of Act No. 5 sequent Acts, is amended— 70, 1901.

- (a) by omitting from paragraph (ii) of section 18D Sec. 18D. the words "as may reasonably be required by (Provisions him as such lessee" and by inserting in lieu governing leases.) thereof the words "or on any contiguous land held in the same interest as may reasonably be required by him."
- (b) by inserting next after section 18F the following New sec. 18FF. new section :---

18FF. A lease granted after the commence- Restrictions ment of the Western Lands (Amendment) Act, as to transfer. 1945, pursuant to section twenty-three of this cf. Act Act, shall not be capable of being transferred, No. 7, 1913, conveyed, assigned or otherwise dealt with 273. (except by way of mortgage or discharge of mortgage) before the expiration of ten years from the commencement of title thereto unless the Minister is satisfied that the holder is compelled by sickness of himself or family, financial difficulties, incapacity or other adverse circumstances to sell or cease working such lease.

Nothing in this section shall affect the operation of the provisions of subsection two of section 18H of this Act.

(c) by inserting next after subsection one of section Sec. 18g. 18g the following new subsection :--

(1A) (a) Without prejudice to the generality 38, 1943, of the discretion conferred on the Minister by s. 11 (3) subsection one of this section the Minister shall, 1943 (N.Z.) in considering any such application for consent s. 50 (3). in respect of a lease granted after the commencement of the Western Lands (Amendment) Act, 1945, pursuant to section twenty-three of this Act, have regard to the desirability of preventing undue increases in the price of land and its use

(Transfers.)

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use for speculative or uneconomic purposes, taking into account the circumstances of the particular case and all other relevant considerations including in particular the following matters:—

- (i) the amount of the purchase money, rent or other consideration to be paid and the extent to which it exceeds the fair market value of the land or the rent or other consideration appropriate to that fair market value;
- (ii) the terms of the transaction, and the terms of any other transaction in any way related thereto.

(b) Where upon consideration of the application and having regard to the matters referred to in this subsection the Minister is of opinion that consent should not be given he may refuse such consent.

(c) The Minister shall refuse such consent where the amount of the purchase money, rent or other consideration appears to him to exceed by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value.

(d) Where the Minister refuses any consent in accordance with paragraph (c) of this subsection any party to the transaction may appeal therefrom to the local land board.

Any such appeal shall be in the nature of a rehearing and shall be made in the manner and within the time and in or to the effect of the form and shall be accompanied by the deposit prescribed. The local land board shall have jurisdiction to hear and determine any such appeal. The local land board shall determine the fair market value of the land, or the rent or other consideration appropriate to the fair market value, as the case may require. Any such determination of a local land board may be

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the subject of an appeal or reference to the Land and Valuation Court in accordance with subsection six of section nine of this Act.

(e) The Minister shall refuse consent to the transaction if the price being paid in respect thereof exceeds the fair market value of the land or the rent or other consideration appropriate to the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

(f) For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted.

(d) (i) by omitting from subsection two of section Sec. 18H. 18H the words "upon application to the (Mortgages Minister, obtain a certificate from the Min-lutions.) ister that he is entitled to hold the lease or such person may, subject to this Act, sell and transfer the lease" and by inserting in lieu thereof the words "subject to this Act transfer the lease, or make application to the Minister for a certificate that he is entitled to remain the holder of the lease upon the expiration of such period. The Minister shall have discretion to grant or refuse any such application.

> If such person does not within such period obtain the certificate of the Minister as aforesaid or does not transfer the lease the same shall be liable to be forfeited."

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5	<ul> <li>(ii) by omitting from the same subsection the words "If such person does not within any such period become the registered holder of the lease, or does not transfer the lease as aforesaid, the same shall be liable to be forfeited."</li> </ul>	
		arther nendment Act No. 70, 01.
	(a) by omitting from section three the definition of S	
10	"Chairman''.	Interpreta- on.)
	(b) (i) by omitting subsection three of section rour	ec. 4. Commis-
	and by inserting in neu thereof the follow si	oner and ssistant
	(3) The Governor may appoint two per-	om- issioners.)
15	sons to be Assistant Western Lands Com-	, ,
	sioners (in this Act hereinafter referred to as "Assistant Commissioners").	
	A person so appointed shall—	
20	(a) act as a member of such of the local land boards as the Commissioner	
20	may from time to time direct; and	
	(b) exercise and perform such of the	
	powers, authorities, duties and functions of the Commissioner as	
25	the Commissioner may direct	
	generally, or in any special case.	
	(ii) by omitting from subsection four of the same section the words "the chairmen"	
	wherever occurring and by inserting in lieu	
30	thereof the words "the Assistant Commis- sioners":	
	(iii) by omitting from the same subsection the	
	words "Such salaries shall be subject to any deduction provided by the Public Service	
35	Salaries Acts, 1931-1933, or any Act amend-	
	ing the same or replacing the same";	
	(iv) by omitting from subsection five of the same section the words "a chairman" and by	
	inserting in lieu thereof the words "an	
40	Assistant Commissioner''; (v)	

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		Western Lands (Amendment).	
	(v)	by omitting from subsection six of the same section the words "a chairman" wherever occurring and by inserting in lieu thereof the words "an Assistant Commissioner";	
5	(vi)	by omitting from the same subsection the words "the chairman" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioner";	
10	(c) (i)	by omitting from section five the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner";	Sec. 5. (Disabilition of Commissioner
15	(ii)		and Assist ant Commi sioners.)
	(d) (i)	by omitting from subsection one of section six the words "a chairman" wherever occur- ring and by inserting in lieu thereof the words "an Assistant Commissioner";	(Public Serv
20	(ii)	by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—	
25		(3) Nothing contained in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916-1944, or any Act amending such Acts, to—	
30		(a) any officer of the Public Service appointed as Commissioner or Assistant Commissioner; or	
35		(b) any person who was such an officer at the time he was so appointed and who may be reappointed as Commissioner or Assistant Com- missioner, as the case may be; or	3
		(c) any person who, having been appointed as Assistant Commis- sioner, may be appointed on reappointed as Commissioner; on	- -
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(d) any person appointed as Assistant Commissioner who, immediately before the commencement of the Western Lands (Amendment) Act, 1945, was a chairman of local land boards and who was an officer of the Public Service at the time of his appointment as chairman of local land boards; or

- (e) any person appointed or reappointed as Commissioner who was a chairman of local land boards at the time he was appointed Commissioner and who at the time of his appointment as such chairman was an officer of the Public Service.
- (iii) by omitting from subsection four of the same section the words "Any officer of the Public Service so appointed or any such person so reappointed or appointed" and by inserting in lieu thereof the words "Any person to whom subsection three of this section applies":
- (e) (i) by omitting from subsection one of section sec. 7. seven the words "a chairman" and by (Vacation inserting in lieu thereof the words "an of office.) Assistant Commissioner'':
  - (ii) by omitting from subsection two of the same section the words "the chairmen" and by inserting in lieu thereof the words "the Assistant Commissioners':
- (f) (i) by omitting from section eight the words "a sec. 8. chairman" wherever occurring and by (Appointinserting in lieu thereof the words "an deputy.) Assistant Commissioner'':
  - (ii) by omitting from the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "Assistant Commissioner";

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#### Act No. , 1945.

## Western Lands (Amendment).

(g) (i) by omitting subsection three of section Sec. 9. nine and by inserting in lieu thereof the (Power to establish following subsection:—

(3) (a) The members of a local land districts.) board shall be three in number and shall comprise the Commissioner, an Assistant Commissioner and a person to be appointed by the Governor.

(b) Two members shall constitute a quorum; and, except as provided in paragraph (c) of this subsection, shall be competent to transact any business of the local land board and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board.

(c) Any application for lease coming before a local land board in pursuance of the provisions of section twenty-five or section twenty-six of this Act, or referred to a local land board in pursuance of the provisions of section 10A of this Act, shall be dealt with by all three members of the local land board.

(d) The Commissioner shall preside at all sittings at which he is present and shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.

In the absence of the Commissioner an Assistant Commissioner shall preside and, when so doing, shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal.

(ii) by omitting from paragraph (b) of subsection five of the same section the words "A chairman" wherever occurring and by inserting in lieu thereof the words "The Commissioner or an Assistant Commissioner":

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(iii)

- (iii) by omitting from paragraph (c) of the same subsection the word "chairman" and by inserting in lieu thereof the words "Assistant Commissioner";
- (iv) by omitting from subsection six of the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "the Commissioner or an Assistant Commissioner";
- (h) by omitting from section twelve the words "a Sec. 12. 10 chairman" wherever occurring and by inserting (Right to in lieu thereof the words "an Assistant Commis- enter on Crown sioner"; lands.)
  - (i) (i) by inserting in section 35L after the word Sec. 35L. "Commissioner" where firstly occurring (Amendthe words "or an Assistant Commis- ment of applications, etc.) sioner";
    - (ii) by omitting from the same section the words "or chairman, as the case may be," and by inserting in lieu thereof the words "or Assistant Commissioner";

(2) (a) The persons who immediately before the savings. commencement of this Act held office as chairmen of local land boards shall be deemed to have been appointed

25 under the Western Lands Act of 1901, as amended by subsequent Acts, including this Act, as Assistant Com-The term of office of an Assistant missioners. Commissioner deemed to have been so appointed shall, subject to the Western Lands Act of 1901, as so amended, 30 be ten years as from the date on which he was appointed as chairman of local land boards.

(b) The persons who immediately before the commencement of this Act held office as members of local land boards shall continue to hold office as such mem-35 bers and shall be deemed to have been appointed under

the Western Lands Act of 1901, as so amended.

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## Act No. , 1945.

## Western Lands (Amendment).

(c) All matters, proceedings, investigations or inquiries initiated, pending or part heard before a local land board immediately before the commencement of this Act shall be continued and completed before the local

5 land boards constituted under the Western Lands Act of 1901, as so amended.

#### [10d.]

#### Sydney: Thomas Henry Tennant, Government Printer-1945

## Western Lands (Amendment) Bill, 1945.

#### **EXPLANATORY NOTE.**

THE main objects of this Bill are:-

- (a) to give to holders of leases certain rights to take timber and other material from the land leased;
- (b) to impose certain restrictions in respect of dealings with future leases;
- (c) to impose certain restrictions in respect of devolutions of leases;
- (d) to provide for the appointment of two Assistant Western Lands Commissioners;
- (e) to alter the constitution of local land boards to the intent that each such board shall consist of three members, one of whom shall be the Commissioner and another of whom shall be an Assistant Commissioner;
- (f) to make amendments of a machinery character to the Western Lands Act of 1901.





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  - (c) to impose certain require a respect of devolutions of page
- (a) to provide for the appointment of two Amisfant. We want a next A comparisticars:
- (c) to alter the constitution of incai hand beards to the intermediate such beard shall consist of these manifers one of whom shall be the second oner and another of whom such as in Assertant Commissioner.
- (1) to make amendministic controlibery character to the Activity Lands Action 12 (1901).

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No. , 1945.

# A BILL

To impose certain restrictions on dealings with certain leases; to alter the constitution of local land boards; for these and other purposes to amend the Western Lands Act of 1901, as amended by subsequent Acts; and for purposes connected therewith.

[MR. TULLY;-13 March, 1945.]

B<sup>E</sup> 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. (1) This Act may be cited as the "Western Lands Short title (Amendment) Act, 1945."

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Western Lands Act of 1901, as amended by sub-Amendment of Act No. 5 sequent Acts, is amended— 70, 1901.

- (a) by omitting from paragraph (ii) of section 18D sec. 18D. the words "as may reasonably be required by (Provisions him as such lessee" and by inserting in lieu governing leases.) thereof the words "or on any contiguous land held in the same interest as may reasonably be required by him."
- (b) by inserting next after section 18F the following New sec. 18FF. new section :---

18FF. A lease granted after the commence-Restrictions ment of the Western Lands (Amendment) Act, as to transfer. 1945, pursuant to section twenty-three of this cf. Act Act, shall not be capable of being transferred, No. 7, 1913, conveyed, assigned or otherwise dealt with 273. (except by way of mortgage or discharge of mortgage) before the expiration of ten years from the commencement of title thereto unless the Minister is satisfied that the holder is compelled by sickness of himself or family, financial difficulties, incapacity or other adverse circumstances to sell or cease working such lease.

Nothing in this section shall affect the operation of the provisions of subsection two of section 18H of this Act.

(c) by inserting next after subsection one of section Sec. 186. 18g the following new subsection :--

(Transfers.)

(1A) (a) Without prejudice to the generality 38, 1943, of the discretion conferred on the Minister by s. 11 (3) subsection one of this section the Minister shall, 1943 (N.Z.), in considering any such application for consent s. 50 (3). in respect of a lease granted after the commencement of the Western Lands (Amendment) Act, 1945, pursuant to section twenty-three of this Act, have regard to the desirability of preventing undue increases in the price of land and its

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use for speculative or uneconomic purposes, taking into account the circumstances of the particular case and all other relevant considerations including in particular the following matters:--

- (i) the amount of the purchase money, rent or other consideration to be paid and the extent to which it exceeds the fair market value of the land or the rent or other consideration appropriate to that fair market value;
- (ii) the terms of the transaction, and the terms of any other transaction in any way related thereto.

(b) Where upon consideration of the application and having regard to the matters referred to in this subsection the Minister is of opinion that consent should not be given he may refuse such consent.

(c) The Minister shall refuse such consent where the amount of the purchase money, rent or other consideration appears to him to exceed by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value.

(d) Where the Minister refuses any consent in accordance with paragraph (c) of this subsection any party to the transaction may appeal therefrom to the local land board.

Any such appeal shall be in the nature of a rehearing and shall be made in the manner and within the time and in or to the effect of the form and shall be accompanied by the deposit prescribed. The local land board shall have jurisdiction to hear and determine any such appeal. The local land board shall determine the fair market value of the land, or the rent or other consideration appropriate to the fair market value, as the case may require. Any such determination of a local land board may be

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the subject of an appeal or reference to the Land and Valuation Court in accordance with subsection six of section nine of this Act.

(e) The Minister shall refuse consent to the transaction if the price being paid in respect thereof exceeds the fair market value of the land or the rent or other consideration appropriate to the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

(f) For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted.

(d) (i) by omitting from subsection two of section Sec. 18H. 18H the words "upon application to the (Mortgages and devo-Minister, obtain a certificate from the Min- lutions.) ister that he is entitled to hold the lease or such person may, subject to this Act, sell and transfer the lease" and by inserting in lieu thereof the words "subject to this Act transfer the lease, or make application to the Minister for a certificate that he is entitled to remain the holder of the lease upon the expiration of such period. The Minister shall have discretion to grant or refuse any such application.

> If such person does not within such period obtain the certificate of the Minister as aforesaid or does not transfer the lease the same shall be liable to be forfeited."

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(ii) by omitting from the same subsection the words "If such person does not within any such period become the registered holder of the lease, or does not transfer the lease as aforesaid, the same shall be liable to be forfeited."

3. (1) The Western Lands Act of 1901, as amended Further by subsequent Acts, is further amended-

"Chairman";

- amendment of Act No. 70, 1901
- (a) by omitting from section three the definition of sec. 3. (Interpretation.)
- (b) (i) by omitting subsection three of section four Sec. 4. and by inserting in lieu thereof the follow-(Commising subsection :--sioner and Assistant

(3) The Governor may appoint two per- Commissioners.) sons to be Assistant Western Lands Comsioners (in this Act hereinafter referred to as "Assistant Commissioners").

A person so appointed shall—

- (a) act as a member of such of the local land boards as the Commissioner may from time to time direct; and
- (b) exercise and perform such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may direct generally, or in any special case.
- (ii) by omitting from subsection four of the same section the words "the chairmen" wherever occurring and by inserting in lieu thereof the words "the Assistant Commissioners'':
- (iii) by omitting from the same subsection the words "Such salaries shall be subject to any deduction provided by the Public Service Salaries Acts, 1931-1933, or any Act amending the same or replacing the same'';
- (iv) by omitting from subsection five of the same section the words "a chairman" and by inserting in lieu thereof the words "an Assistant Commissioner''; (v)

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-	Western Lands (Amendm	nent).
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	(v) by omitting from subsecti section the words "a cha occurring and by inserti- the words "an Assistant	airman'' wherever ng in lieu thereof
5	(vi) by omitting from the sat words "the chairman" w and by inserting in lieu "the Assistant Commiss	me subsection the Therever occurring thereof the words
10	(c) (i) by omitting from section chairman'' and by insert the words "an Assistant	ing in lieu thereof (Disabilitie
15	<ul> <li>(ii) by omitting from the same "chairman" where seco occurring and by inserting the words "Assistant Conditional Conditiona Conditiona Conditional Conditional Conditional Conditional Co</li></ul>	e section the words and Assist- ant Commis andly and thirdly sioners.) ng in lieu thereof
	(d) (i) by omitting from subsect six the words "a chairman ring and by inserting in words "an Assistant Con	ion one of section Sec. 6. 1'' wherever occur- 1 lieu thereof the nmissioner''; CPublic Service Act, 1902, not to apply to appointment of or to Com-
20	<ul> <li>(ii) by omitting subsection t section and by inserting i following subsection:—         <ul> <li>(3) Nothing contained</li> </ul> </li> </ul>	in lieu thereof the <sup>stoners.)</sup> in this Act shall
25	affect the rights accrued the Public Service Act, 1 Superannuation Act, 1916 amending such Acts, to-	902, or under the 3-1944, or any Act
30	(a) any officer of the appointed as Assistant Commi	Commissioner or
	(b) any person who was the time he and who may b	was such an officer was so appointed be reappointed as r Assistant Com-
35	missioner, as the	
-	sioner, may reappointed as	ssistant Commis-

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	Western Lands (Amendment).	
5	<ul> <li>(d) any person appointed as Assistant Commissioner who, immediately before the commencement of the Western Lands (Amendment) Act, 1945, was a chairman of local land boards and who was an officer of the Public Service at the time of his appointment as chairman of local land boards</li> </ul>	
10	local land boards; or (e) any person appointed or reappoin- ted as Commissioner who was a	
15	chairman of local land boards at the time he was appointed Commis- sioner and who at the time of his appointment as such chairman was an officer of the Public Service.	
20	(iii) by omitting from subsection four of the same section the words "Any officer of the Public Service so appointed or any such person so reappointed or appointed" and by inserting in lieu thereof the words "Any person to whom subsection three of this section applies";	
25	<ul> <li>(e) (i) by omitting from subsection one of section sector sector is seven the words "a chairman" and by (V inserting in lieu thereof the words "an of Assistant Commissioner";</li> </ul>	Vacation
30	<ul> <li>(ii) by omitting from subsection two of the same section the words "the chairmen" and by inserting in lieu thereof the words "the Assistant Commissioners";</li> </ul>	
35	<ul> <li>(f) (i) by omitting from section eight the words "a sechairman" wherever occurring and by (A inserting in lieu thereof the words "an de Assistant Commissioner";</li> <li>(ii) by omitting from the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words</li> </ul>	e. 8. appoint- ent of puty.)
	"Assistant Commissioner";	
	"Assistant Commissioner";	

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Act No. . 1945.

#### Western Lands (Amendment). (g) (i) by omitting subsection three of section Sec. 9. nine and by inserting in lieu thereof the (Power to establish following subsection :--adminia-(3) (a) The members of a local land trative districts.) 5 board shall be three in number and shall comprise the Commissioner, an Assistant Commissioner and a person to be appointed by the Governor. (b) Two members shall constitute a quorum; and, Except as provided in paragraph (c) of this subsection, shall be competent to transact any business of the local land board and shall have and may exercise all the powers and authorities by this Act conferred upon the local land board. (c) Any application for lease coming before a local land board in pursuance of the provisions of section twenty-five or section twenty-six of this Act, or referred to a local land board in pursuance of the provisions of section 10A of this Act, shall be dealt with by all three members of the local land board. (d) The Commissioner shall preside at all sittings at which he is present and shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal. In the absence of the Commissioner an 30 Assistant Commissioner shall preside and, when so doing, shall have an original vote on any question and shall have a casting vote on any question on which the votes are equal. 35 (ii) by omitting from paragraph (b) of subsec-

tion five of the same section the words "A chairman" wherever occurring and by inserting in lieu thereof the words "The Commissioner or an Assistant Commissioner";

(iii)

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- (iii) by omitting from paragraph (c) of the same subsection the word "chairman" and by inserting in lieu thereof the words "Assistant Commissioner";
- (iv) by omitting from subsection six of the same section the word "chairman" wherever occurring and by inserting in lieu thereof the words "the Commissioner or an Assistant Commissioner";
- (h) by omitting from section twelve the words "a sec. 12. chairman" wherever occurring and by inserting (Right to in lieu thereof the words "an Assistant Commis- enter on Crown sioner": lands.)
  - (i) (i) by inserting in section 35L after the word Sec. 35L. "Commissioner" where firstly occurring (Amendment of the words "or an Assistant Commisapplicasioner''; tions, etc.)
    - (ii) by omitting from the same section the words "or chairman, as the case may be," and by inserting in lieu thereof the words "or "Assistant Commissioner";

(2) (a) The persons who immediately before the savings. commencement of this Act held office as chairmen of local land boards shall be deemed to have been appointed 25 under the Western Lands Act of 1901, as amended by subsequent Acts, including this Act, as Assistant Com-The term of office of an Assistant missioners. Commissioner deemed to have been so appointed shall, subject to the Western Lands Act of 1901, as so amended, 30 be ten years as from the date on which he was appointed

as chairman of local land boards.

(b) The persons who immediately before the commencement of this Act held office as members of local land boards shall continue to hold office as such mem-35 bers and shall be deemed to have been appointed under the Western Lands Act of 1901, as so amended.

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(c)

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(c) All matters, proceedings, investigations or inquiries initiated, pending or part heard before a local land board immediately before the commencement of this Act shall be continued and completed before the local 5 land boards constituted under the Western Lands Act of 1901, as so amended.

Sydney: Thomas Henry Tannant, Government Printer-1945