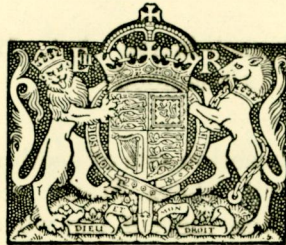


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 November, 1955.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1955.

An Act to make further provision with respect to conditions of residence attaching to and the erection of dwellings upon home sites provided out of Crown lands; to remove the restrictions on the transfer of certain holdings in certain circumstances; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith.

Crown Lands Amendment (Home Sites).

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

1. (1) This Act may be cited as the "Crown Lands Amendment (Home Sites) Act, 1955." Short title and commencement.

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

2. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.

- (a) by omitting from subsection one of section forty-seven the word "or" where firstly occurring and by inserting in lieu thereof the words "exceeding one acre in area and the holder of a"; Sec. 47. (Condition of residence on conditional purchases and conditional leases generally.)
15
- (b) by inserting next after section forty-seven the following short heading and new section :— New sec. 47A.

Condition requiring the erection of a dwelling on certain conditional purchases.
20

47A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for or for conversion into a conditional purchase is confirmed or granted after such commencement and such conditional purchase does not exceed one acre in area it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from the confirmation or granting of such application or such further period as the Minister may allow. Erection of dwelling to be condition of certain conditional purchases.
25
30

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a conditional purchase—

- 5 (a) whereon a dwelling has been erected at the confirmation or granting of the application as aforesaid; or
- (b) which by virtue of any provision of this Act other than section forty-seven is not subject to a condition of residence.

10 (2) Where in respect of a conditional purchase of an area not exceeding one acre subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such

15 condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from such

20 commencement or such further period as the Minister may allow.

This subsection shall not apply to a conditional purchase whereon a dwelling has been erected at such commencement.

- 25 (c) (i) by inserting in section one hundred and twenty-six after the word "holding" the words "exceeding one acre in area";
- (ii) by omitting from the same section the words:—

Sec. 126.
(Suburban holding: condition of residence.)

30 "The local land board, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve

35 months under any one application as to it may seem fit" and by inserting in lieu thereof the following paragraph:—

Nothing in this section shall apply to a suburban holding of a block notified by

the

Crown Lands Amendment (Home Sites).

the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.

- 5 (d) by inserting next after section one hundred and twenty-six the following short heading and new section:— New sec.
126A.

*Condition requiring the erection of a dwelling
on certain suburban holdings.*

- 10 126A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for a suburban holding is confirmed after such commencement and such suburban holding— Erection of
dwelling to
be condition
of certain
suburban
holdings.

- 15 (a) does not exceed one acre in area, or
- (b) is of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,
- 20

- 25 it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from the confirmation of such application or such further period as the Minister may allow.

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at the confirmation of the application as aforesaid.

- 30 (2) Where in respect of a suburban holding of a kind specified in paragraph (a) or (b) of subsection one of this section subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence
- 35

Crown Lands Amendment (Home Sites).

5 residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

10 This subsection shall not apply to a suburban holding whereon a dwelling has been erected at such commencement.

(e) (i) by omitting from paragraph (f) of sub-
 section one of section 129B the word Sec. 129B.
 (Purchase of suburban
 holdings.) "section" wherever occurring and by in-
 15 serting in lieu thereof the word "subsec-
 tion";

(ii) by inserting in paragraph (g) of the same
 subsection after the word "shall" where
 firstly occurring the words "if it exceeds
 one acre in area";

20 (iii) by inserting at the end of the same para-
 graph the following words:—

25 "Nothing in this paragraph shall apply
 to a purchase of a suburban holding or part
 thereof being the whole or part of a block
 notified by the Minister under section one
 hundred and twenty-four of this Act as
 made available for the purpose of erecting
 a dwelling thereon.";

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

35 (2) Where an application (whether made
 before or after the commencement of the
 Crown Lands Amendment (Home Sites)
 Act, 1955,) to purchase a suburban holding
 is granted after such commencement and
 such purchase—

(a) does not exceed one acre in area;
 or

(b)

Crown Lands Amendment (Home Sites).

5 (b) is a purchase of a suburban holding or part thereof which is the whole or a part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

10 it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from the granting of such application or such further period as the Minister may allow.

15 Nothing in this subsection shall apply to a purchase of any land whereon a dwelling has been erected at the granting of the application as aforesaid.

(3) Where in respect of a purchase which—

20 (a) does not exceed one acre in area; or

25 (b) is a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

30 the application to purchase was granted before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, and immediately before such commencement a condition of residence attached thereto, and such condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a purchase whereon a dwelling has been erected at such commencement.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 7, 1913.

(a) by inserting next after section 75B the following new section:—

New sec. 75C.

10 75c. (1) Any lease granted under section seventy-five or 75B hereof or extended to a lease in perpetuity under section 75A hereof which is solely for the purpose of residence and which does not exceed one acre in area may, notwithstanding anything to the contrary contained in section 75A or 75B hereof or in the conditions attached to such lease, be transferred or sublet without the consent of the Minister if a dwelling has been erected on such lease and the Minister has certified in the prescribed form that such lease may be so transferred or sublet.

Removal of restrictions on transfer and condition of residence and substitution of a building condition in respect of certain special leases.

20 (2) Any condition which attached immediately before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, to any such lease requiring the lessee to reside thereon is hereby revoked and unless at such commencement a dwelling has been erected thereon there is hereby attached thereto a condition requiring the lessee to erect thereon a dwelling within one year from such commencement or such further period as the Minister may allow.

(b) by inserting at the end of section one hundred and twenty-nine the following new subsection:—

Sec. 129. (Transfer of suburban holdings.)

35 (4) This section shall cease to apply to or in respect of any suburban holding which does not exceed one acre in area and any suburban holding of a block notified by the Minister under section

section

Crown Lands Amendment (Home Sites).

5 section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such suburban holding and the Minister has certified in the prescribed form that such holding may be transferred without his consent.

10 (c) (i) by omitting from paragraph (k) of subsection one of section 129B the words "The provisions of this paragraph shall apply whether a grant has or has not issued, but shall not apply to the transfer of any parcel of land being part of that comprised in a grant of land purchased under this section where the Minister so certifies in the prescribed form. The Minister" and by inserting in lieu thereof the words—

Sec. 129B.
(Purchase of suburban holdings.)

15 "The provisions of this paragraph shall apply whether a grant has or has not issued but shall not apply to the transfer of—

20 (i) a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon—

25 (a) where the Minister has certified under subsection four of section one hundred and twenty-nine of this Act that such suburban holding may be transferred without his consent; or

(b)

Crown Lands Amendment (Home Sites).

- 5 (b) when a dwelling has been erected on such purchase and the Minister has certified in the prescribed form that such purchase may be transferred without his consent; or
- 10 (ii) any land within a grant issued in respect of a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and
- 15 twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such land and the
- 20 Minister has certified in the prescribed form that such land or the suburban holding purchase or the suburban holding under which such land was held may be transferred without his consent; or
- 25 (iii) any parcel of land being part of that comprised in a grant of land purchased under this section (other than a parcel specified in subparagraph
- 30 (ii) of this paragraph) where the Minister so certifies in the prescribed form.

In respect of any parcel of land to which subparagraph (iii) of this paragraph relates the Minister”;

- 35 (ii) by omitting from the same paragraph the words “the parcel of land” and by inserting in lieu thereof the words “the land to which such certificate relates”;

(d)

Crown Lands Amendment (Home Sites).

- 5 (d) by inserting in section two hundred and fifty-seven after the words "suburban holding" where lastly occurring the words "to the transfer of which the consent of the Minister is required under that section"; Sec. 257.
(Subdivision of holdings.)
- 10 (e) by inserting at the end of section two hundred and sixty the following new subsection:— Sec. 260.
(Conditional purchases and conditional leases: transfers.)
- (2) Notwithstanding anything contained in paragraph two or three of subsection one of this section an original conditional purchase which does not exceed one acre in area may be transferred at any time.
- 15 (f) by omitting from section 264A the words "before the expiration of five years from the commencement of title thereto" and by inserting in lieu thereof the words "before the issue of the certificate that all conditions attaching thereto have been complied with or before five years of the condition of residence have been performed, as the case may be,"; Sec. 264A.
(Further right to transfer holdings.)
- 20 (g) by inserting at the end of section two hundred and seventy-two the following new subsection:— Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)
- 25 (8) Notwithstanding anything contained in this section any conditional purchase (whether a grant in respect of the same has or has not issued) or any parcel of land being part of that comprised in a grant of a conditional purchase, may be transferred or otherwise dealt with
- 30 without recourse to this section where the area of such firstmentioned conditional purchase or such parcel of land does not exceed one acre, and a dwelling has been erected on such first-
- 35 mentioned conditional purchase or such parcel of land, and the Minister has certified in the prescribed form that such firstmentioned conditional purchase or such parcel of land may be transferred without his consent.
- (h)

Crown Lands Amendment (Home Sites).

- (h) by omitting section 274A and by inserting in lieu thereof the following section:— Subst. sec. 274A.

5 274A. A week-end lease may be transferred in the prescribed form to a qualified person at any time. Transfer of week-end leases.

10 A transfer of a week-end lease shall not be valid unless the consent thereto of the Minister has been obtained: Provided that a week-end lease which does not exceed one acre in area and on which a dwelling has been erected may be transferred without the consent of the Minister where the Minister has certified in the prescribed form that such week-end lease may be transferred without his consent and any subsequent transfer of any such week-end lease in respect of which the Minister has so certified shall be valid without the consent thereto of the Minister having been obtained.

15

20 4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended— Further amendment of Act No. 7, 1913.

- (a) by inserting in section fifty-four after the word "improvement" the words "or the condition requiring the erection of a dwelling,"; Sec. 54. (Forfeiture for non-performance of residence, fencing or improvement.)

25 (b) by inserting next after subsection seven of section sixty-three the following new subsection:— Sec. 63. (Sale by auction of Crown lands.)

30 (7A) The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

35

(c)

Crown Lands Amendment (Home Sites).

- (c) by inserting in section sixty-four after the word "area" where secondly occurring the following new paragraph:—

Sec. 64.
(Crown lands not sold at auction; purchase after auction.)

5 The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

- 15 (d) (i) by omitting from section 64A the words "after the commencement of the Crown Lands (Amendment) Act, 1917, any town or suburban" and by inserting in lieu thereof the word "any";

Sec. 64A.
(Restrictions in respect of auction purchases and after-auction purchases.)

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

25 For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

- (e) by inserting in subsection two of section one hundred and twenty-three after the word "with;" where firstly occurring the words "provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;"

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

- 30 (f) (i) by inserting in subsection one of section one hundred and twenty-five after the word "Act" where secondly occurring the words "and in the case of any block notified by the Minister

Sec. 125.
(Suburban holding application, how made and dealt with.)

Crown Lands Amendment (Home Sites).

- Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon the applicant shall also satisfy the local land board that he is in need of the block as a home site for personal residence and that he will be able to comply with the conditions that will attach to the suburban holding”;
- 5
- (ii) by omitting from the same subsection the words “if so satisfied” and by inserting in lieu thereof the words “if satisfied as to the relevant matters aforesaid”;
- 10
- (iii) by inserting at the end of the same subsection the following new paragraph:—
- 15
- There shall be no appeal to the Land and Valuation Court from the disallowance under this subsection of an application for a suburban holding of a block notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon.
- 20
- (g) (i) by inserting at the end of subsection one of section one hundred and twenty-eight the following new paragraph:—
- 25
- Where the application for the suburban holding was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the suburban holding is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.
- 30
- (ii) by inserting in subsection two of the same section after the word “with;” where firstly occurring the words “provided that in any case where it appears that such conditions, other
- 35
- Sec. 128.
Suburban holding: inquiry by board and issue of grant.)

Crown Lands Amendment (Home Sites).

- 5 other than as aforesaid, have been duly
 complied with before the expiration of such
 period of five years, the local land board
 may, before the expiration of such period,
 inquire as aforesaid;”;
- (h) by omitting from paragraph (i) of subsection Sec. 129B.
 one of section 129B the words “After the expira- (Purchase of suburban holdings.)
 tion of the term of residence the local land board
 shall” and by inserting in lieu thereof the words
 10 “The local land board may at any time”;
- (i)(i) by inserting at the end of subsection one of Sec. 136F.
 section 136F the following new para- (Title to and issue of grant for week-end leases.)
 graph:—
 15 Where the application for the week-end
 lease was confirmed before the commence-
 ment of the Crown Lands Amendment
 (Home Sites) Act, 1955, the title shall com-
 mence from the date of such application.
 20 Where the application for the week-end
 lease is confirmed after the commencement
 of such Act, the title shall commence from
 the date of such confirmation.
- (ii) by omitting from subsection two of the
 same section the words “After the expira-
 25 tion of five years after the confirmation of
 the application for a week-end lease the
 local land board shall” and by inserting in
 lieu thereof the words “The local land
 board may at any time”;
- (j) by inserting in section one hundred and fifty Sec. 150.
 after the word “area” where firstly occurring (In what cases applications give title.)
 the words “(other than a suburban holding or
 week-end lease)”;
- (k) (i) by inserting in section one hundred and Sec. 151.
 35 fifty-one after the word “made” where (Successive applications.)
 secondly occurring the following proviso:—
 Provided that where the order of priority
 of conflicting applications, whether made
 before or after the commencement of the
 Crown

Crown Lands Amendment (Home Sites).

5 Crown Lands Amendment (Home Sites)
Act, 1955, for suburban holdings of blocks
notified by the Minister under section one
hundred and twenty-four of this Act as
made available for the purpose of erecting
dwellings thereon, has been determined by
ballot and any application in respect of
which any such block is available has been
withdrawn refused or modified the applica-
10 tions in respect of which any other blocks
are available shall be dealt with as if no
such application had been withdrawn re-
fused or modified.

15 (ii) by omitting from the same section the
words "It shall be immaterial for the pur-
poses of this section whether any applica-
tion therein referred to was lodged before
or after the passing of this Act.";

20 (1) (i) by inserting in paragraph (a) of section one
hundred and fifty-three after the words
"other than" the words "those for subur-
ban holdings of blocks notified by the
Minister under section one hundred and
25 twenty-four hereof as made available for
the purpose of erecting dwellings thereon
and other than";

30 (ii) by inserting in the same paragraph after
the words "determined by ballot." the
words "The order of priority of conflicting
applications made tendered or lodged to or
with the Crown land agent simultaneously
for suburban holdings of blocks notified by
the Minister under section one hundred and
35 twenty-four hereof as made available for
the purpose of erecting dwellings thereon
shall be determined by ballot.";

(m)

Sec. 153.
(Simul-
taneous
conflicting
applica-
tions.)

Crown Lands Amendment (Home Sites).

- (m) by omitting from section 161A the words "and the land shall thereupon be again available for application for any class of holding for which it was set apart unless otherwise notified" and by inserting in lieu thereof the words "and
- 5 (a) except in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases, the land shall become and be reserved from every form of sale or lease, until otherwise notified in the Gazette;
- 10 (b) in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases any application for the land which was made but not disposed of before the application was declared null and void shall be dealt with as if such lastmentioned application had not been made, but the land shall not be available for any other application unless otherwise notified in the Gazette".
- 20 (n) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:—
- 25 (4) The Minister may unconditionally or subject to such conditions as he may impose—
- (a) dispense with the condition of residence, fencing or improvement attached to any holding which is not of a greater unimproved value than three hundred pounds;
- 30 (b) dispense with any condition attached to any holding (irrespective of value) where the Minister is of the opinion that such dispensation is necessary to assist the holder to borrow money to be applied towards the erection of a dwelling on such holding.
- 35

Sec. 161A.

(Cases where deposit or rent and survey fee need not accompany the

application.)

Sec. 178.

(Suspension or remission of conditions other than payment.)

Where

Crown Lands Amendment (Home Sites).

5 Where in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the like certificate as to compliance with conditions as it may have issued if the conditions dispensed with had been fulfilled:

10 Provided that where the Minister dispenses with any conditions under this subsection subject to conditions which he may impose, the local land board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled:

15 Provided further that where the Minister dispenses with any condition under paragraph (b) of this subsection the holding to which the condition attached shall be liable to be forfeited if a dwelling is not erected thereon within three years from the granting of such dispensation.

20 (o) by omitting section one hundred and eighty-one and by inserting in lieu thereof the following section:—

25 181. Save as otherwise in this Act provided, the conditions attaching to any purchase, home-
stead selection or grant, or lease or license under this Act, shall, until complied with, bind and be deemed always to have bound not only the persons who were the holders of the same when such conditions became attached but also all persons deriving title through or under them and all persons upon whom title shall devolve or
30 be cast by operation of law.

Subst. sec.
181.

Successors
in title
bound by
conditions.

[1s. 9d.]

Sydney: A. H. Pettifer, Government Printer—1955.

MEMORANDUM FOR THE RECORD

Reference is made to the report of the Committee on the Administration of the Government, dated June 1, 1917, and to the report of the Committee on the Administration of the Government, dated June 1, 1917.

The Committee on the Administration of the Government, in its report of June 1, 1917, recommended that the Department of the Interior be reorganized so as to bring the various bureaus under a single head.

The Department of the Interior is now organized as follows: Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Geographical Names, Bureau of Land Office, Bureau of Prisons, Bureau of Penitentiaries, Bureau of Forestry, Bureau of Mines, Bureau of Fish and Game, Bureau of Biological Services, Bureau of Plant Industry, Bureau of Entomology and Plant Quarantine, Bureau of Plant Industry, Bureau of Entomology and Plant Quarantine.

The Department of the Interior is now organized as follows: Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Geographical Names, Bureau of Land Office, Bureau of Prisons, Bureau of Penitentiaries, Bureau of Forestry, Bureau of Mines, Bureau of Fish and Game, Bureau of Biological Services, Bureau of Plant Industry, Bureau of Entomology and Plant Quarantine.

The Department of the Interior is now organized as follows: Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Geographical Names, Bureau of Land Office, Bureau of Prisons, Bureau of Penitentiaries, Bureau of Forestry, Bureau of Mines, Bureau of Fish and Game, Bureau of Biological Services, Bureau of Plant Industry, Bureau of Entomology and Plant Quarantine.

No. , 1955.

A BILL

To make further provision with respect to conditions of residence attaching to and the erection of dwellings upon home sites provided out of Crown lands; to remove the restrictions on the transfer of certain holdings in certain circumstances; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. HAWKINS;—15 November, 1955.]

Crown Lands Amendment (Home Sites).

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

1. (1) This Act may be cited as the "Crown Lands Amendment (Home Sites) Act, 1955." Short title and commencement.

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

2. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section forty-seven the word "or" where firstly occurring and by inserting in lieu thereof the words "exceeding one acre in area and the holder of a"; Sec. 47. (Condition of residence on conditional purchases and conditional leases generally.)

(b) by inserting next after section forty-seven the following short heading and new section:— New sec. 47A.

*Condition requiring the erection of a dwelling
on certain conditional purchases.*

47A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for or for conversion into a conditional purchase is confirmed or granted after such commencement and such conditional purchase does not exceed one acre in area it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from the confirmation or granting of such application or such further period as the Minister may allow. Erection of dwelling to be condition of certain conditional purchases.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a conditional purchase—

- 5 (a) whereon a dwelling has been erected at the confirmation or granting of the application as aforesaid; or
- (b) which by virtue of any provision of this Act other than section forty-seven is not subject to a condition of residence.

10 (2) Where in respect of a conditional purchase of an area not exceeding one acre subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such

15 condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such conditional purchase that the holder shall erect

20 a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This subsection shall not apply to a conditional purchase whereon a dwelling has been erected at such commencement.

- 25 (c) (i) by inserting in section one hundred and twenty-six after the word "holding" the words "exceeding one acre in area";
- (ii) by omitting from the same section the words:—

Sec. 126.
(Suburban holding: condition of residence.)

30 "The local land board, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve

35 months under any one application as to it may seem fit" and by inserting in lieu thereof the following paragraph:—

Nothing in this section shall apply to a suburban holding of a block notified by the

Crown Lands Amendment (Home Sites).

the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.

- 5 (d) by inserting next after section one hundred and twenty-six the following short heading and new section:— New sec. 126A.

Condition requiring the erection of a dwelling on certain suburban holdings.

- 10 126A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for a suburban holding is confirmed after such commencement and such suburban holding— Erection of dwelling to be condition of certain suburban holdings.

15

(a) does not exceed one acre in area, or

20

(b) is of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

25

it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from the confirmation of such application or such further period as the Minister may allow.

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at the confirmation of the application as aforesaid.

30

35

(2) Where in respect of a suburban holding of a kind specified in paragraph (a) or (b) of subsection one of this section subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence

Crown Lands Amendment (Home Sites).

5 residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

10 This subsection shall not apply to a suburban holding whereon a dwelling has been erected at such commencement.

15 (e) (i) by omitting from paragraph (f) of sub-
section one of section 129B the word Sec. 129B.
(Purchase of suburban holdings.) "section" wherever occurring and by inserting in lieu thereof the word "subsection";

(ii) by inserting in paragraph (g) of the same subsection after the word "shall" where firstly occurring the words "if it exceeds one acre in area";

20 (iii) by inserting at the end of the same paragraph the following words:—

25 "Nothing in this paragraph shall apply to a purchase of a suburban holding or part thereof being the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.";

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

35 (2) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) to purchase a suburban holding is granted after such commencement and such purchase—

(a) does not exceed one acre in area;
or

(b)

Crown Lands Amendment (Home Sites).

5 (b) is a purchase of a suburban holding or part thereof which is the whole or a part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

10 it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from the granting of such application or such further period as the Minister may allow.

15 Nothing in this subsection shall apply to a purchase of any land whereon a dwelling has been erected at the granting of the application as aforesaid.

(3) Where in respect of a purchase which—

20 (a) does not exceed one acre in area; or

25 (b) is a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

30 the application to purchase was granted before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, and immediately before such commencement a condition of residence attached thereto, and such condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

35 This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a purchase whereon a dwelling has been erected at such commencement.

3. The Crown Lands Consolidation Act, 1913, as Further
5 amended by subsequent Acts, is further amended— amendment
of Act No.
7, 1913.

(a) by inserting next after section 75B the following New sec.
new section:— 75c.

10 75c. (1) Any lease granted under section Removal of
seventy-five or 75B hereof or extended to a lease transfer and
in perpetuity under section 75A hereof which is condition of
solely for the purpose of residence and which residence and
does not exceed one acre in area may, notwith- substitution
standing anything to the contrary contained in of a building
section 75A or 75B hereof or in the conditions condition in
attached to such lease, be transferred or sublet respect of
without the consent of the Minister if a dwelling certain special
has been erected on such lease and the Minister leases.
15 has certified in the prescribed form that such
lease may be so transferred or sublet.

20 (2) Any condition which attached im-
mediately before the commencement of the
Crown Lands Amendment (Home Sites) Act,
1955, to any such lease requiring the lessee to
25 reside thereon is hereby revoked and unless at
such commencement a dwelling has been erected
thereon there is hereby attached thereto a con-
dition requiring the lessee to erect thereon a
dwelling within one year from such commence-
ment or such further period as the Minister may
30 allow.

(b) by inserting at the end of section one hundred Sec. 129.
and twenty-nine the following new subsection:— (Transfer
of suburban
holdings.)

35 (4) This section shall cease to apply to or in
respect of any suburban holding which does not
exceed one acre in area and any suburban hold-
ing of a block notified by the Minister under
section

Crown Lands Amendment (Home Sites).

5 section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such suburban holding and the Minister has certified in the prescribed form that such holding may be transferred without his consent.

10 (c) (i) by omitting from paragraph (k) of subsection one of section 129B the words "The provisions of this paragraph shall apply whether a grant has or has not issued, but shall not apply to the transfer of any parcel of land being part of that comprised in a grant of land purchased under this section where the Minister so certifies in the prescribed form. The Minister" and by inserting in lieu thereof the words—

15

Sec. 129B.
(Purchase of suburban holdings.)

20 "The provisions of this paragraph shall apply whether a grant has or has not issued but shall not apply to the transfer of—

25 (i) a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon—

30 (a) where the Minister has certified under subsection four of section one hundred and twenty-nine of this Act that such suburban holding may be transferred without his consent; or

35

(b)

Crown Lands Amendment (Home Sites).

- 5 (b) when a dwelling has been erected on such purchase and the Minister has certified in the prescribed form that such purchase may be transferred without his consent; or
- 10 (ii) any land within a grant issued in respect of a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and
- 15 twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such land and the Minister has certified in the prescribed form that such land or the
- 20 suburban holding purchase or the suburban holding under which such land was held may be transferred without his consent; or
- 25 (iii) any parcel of land being part of that comprised in a grant of land purchased under this section (other than a parcel specified in subparagraph
- 30 (ii) of this paragraph) where the Minister so certifies in the prescribed form.

In respect of any parcel of land to which subparagraph (iii) of this paragraph relates the Minister”;

- 35 (ii) by omitting from the same paragraph the words “the parcel of land” and by inserting in lieu thereof the words “the land to which such certificate relates”;

(d)

Crown Lands Amendment (Home Sites).

- 5 (d) by inserting in section two hundred and fifty-seven after the words "suburban holding" where lastly occurring the words "to the transfer of which the consent of the Minister is required under that section";
- 10 (e) by inserting at the end of section two hundred and sixty the following new subsection:—
 (2) Notwithstanding anything contained in paragraph two or three of subsection one of this section an original conditional purchase which does not exceed one acre in area may be transferred at any time.
- 15 (f) by omitting from section 264A the words "before the expiration of five years from the commencement of title thereto" and by inserting in lieu thereof the words "before the issue of the certificate that all conditions attaching thereto have been complied with or before five years of the condition of residence have been performed, as the case may be,";
- 20 (g) by inserting at the end of section two hundred and seventy-two the following new subsection:—
 (8) Notwithstanding anything contained in this section any conditional purchase (whether a grant in respect of the same has or has not issued) or any parcel of land being part of that comprised in a grant of a conditional purchase, may be transferred or otherwise dealt with without recourse to this section where the area of such firstmentioned conditional purchase or such parcel of land does not exceed one acre, and a dwelling has been erected on such firstmentioned conditional purchase or such parcel of land, and the Minister has certified in the prescribed form that such firstmentioned conditional purchase or such parcel of land may be transferred without his consent.
- 25
30
35
- (h)

Sec. 257.
(Subdivision of holdings.)

Sec. 260.
(Conditional purchases and conditional leases; transfers.)

Sec. 264A.
(Further right to transfer holdings.)

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

Crown Lands Amendment (Home Sites).

- (h) by omitting section 274A and by inserting in lieu thereof the following section:—

Subst. sec.
274A.

5 274A. A week-end lease may be transferred in the prescribed form to a qualified person at any time.

Transfer of
week-end
leases.

10 A transfer of a week-end lease shall not be valid unless the consent thereto of the Minister has been obtained: Provided that a week-end lease which does not exceed one acre in area and on which a dwelling has been erected may be transferred without the consent of the Minister where the Minister has certified in the prescribed form that such week-end lease may be transferred without his consent and any subsequent transfer of any such week-end lease in respect of which the Minister has so certified shall be valid without the consent thereto of the Minister having been obtained.

20 4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further
amendment of
Act No. 7,
1913.

- (a) by inserting in section fifty-four after the word "improvement" the words "or the condition requiring the erection of a dwelling,";

Sec. 54.
(Forfeiture
for non-
performance of
residence
fencing or
improvement.)

25 (b) by inserting next after subsection seven of section sixty-three the following new subsection:—

Sec. 63.
(Sale by
auction of
Crown lands.)

30 (7A) The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

35

(c)

Crown Lands Amendment (Home Sites).

- (e) by inserting in section sixty-four after the word **Sec. 64.**
 "area" where secondly occurring the following (Crown lands
 not sold at
 auction:
 purchase
 after
 auction.)
 new paragraph:—

5 The Minister shall have power and shall be
 deemed always to have had power to annex to
 or in relation to the erection of a dwelling on
 the land so sold as he may think fit, and if the
 purchaser fails to comply with any such con-
 10 dition the purchase may be declared to have
 lapsed and the purchaser shall not be entitled
 to any compensation but he may be granted a
 refund of any moneys paid by him to the Crown
 in respect of the purchase.

- 15 (d) (i) by omitting from section 64A the words **Sec. 64A.**
 "after the commencement of the Crown (Restrictions
 in respect of
 auction pur-
 chases and
 after-auction
 purchases.)
 Lands (Amendment) Act, 1917, any town
 or suburban" and by inserting in lieu
 thereof the word "any";

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

25 For the purposes of this section a hus-
 band and wife not living apart under a de-
 cree for judicial separation made by any
 court of competent jurisdiction shall be
 deemed to be one person.

- (e) by inserting in subsection two of section one **Sec. 123.**
 hundred and twenty-three after the word (Homestead
 farm:
 inquiry by
 board and
 issue of
 grant.)
 30 "with;" where firstly occurring the words
 "provided that in any case where it appears
 that such conditions, other than as aforesaid,
 have been duly complied with before the expira-
 tion of such period of five years, the local land
 board may, before the expiration of such period,
 35 inquire as aforesaid;"

- (f) (i) by inserting in subsection one of section one **Sec. 125.**
 hundred and twenty-five after the word (Suburban
 holding
 application,
 how made
 and dealt
 with.)
 "Act" where secondly occurring the words
 "and in the case of any block notified by the
 Minister

Crown Lands Amendment (Home Sites).

5 Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon the applicant shall also satisfy the local land board that he is in need of the block as a home site for personal residence and that he will be able to comply with the conditions that will attach to the suburban holding”;

10 (ii) by omitting from the same subsection the words “if so satisfied” and by inserting in lieu thereof the words “if satisfied as to the relevant matters aforesaid”;

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

20 There shall be no appeal to the Land and Valuation Court from the disallowance under this subsection of an application for a suburban holding of a block notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon.”;

25 (g) (i) by inserting at the end of subsection one of section one hundred and twenty-eight the following new paragraph:—

30 Where the application for the suburban holding was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the suburban holding is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.

35 (ii) by inserting in subsection two of the same section after the word “with;” where firstly occurring the words “provided that in any case where it appears that such conditions, other

Sec. 128.
(Suburban holding: inquiry by board and issue of grant.)

Crown Lands Amendment (Home Sites).

other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;”;

5

- (h) by omitting from paragraph (i) of subsection one of section 129B the words “After the expiration of the term of residence the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;

10

- (i)(i) by inserting at the end of subsection one of section 136F the following new paragraph:—

15

Where the application for the week-end lease was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the week-end lease is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.

20

- (ii) by omitting from subsection two of the same section the words “After the expiration of five years after the confirmation of the application for a week-end lease the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;

25

- (j) by inserting in section one hundred and fifty after the word “area” where firstly occurring the words “(other than a suburban holding or week-end lease)”;

30

- (k) (i) by inserting in section one hundred and fifty-one after the word “made” where secondly occurring the following proviso:—

35

Provided that where the order of priority of conflicting applications, whether made before or after the commencement of the Crown

Crown Lands Amendment (Home Sites).

- 5 Crown Lands Amendment (Home Sites) Act, 1955, for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting dwellings thereon, has been determined by ballot and any application in respect of which any such block is available has been withdrawn refused or modified the applications in respect of which any other blocks are available shall be dealt with as if no such application had been withdrawn refused or modified.
- 10
- 15 (ii) by omitting from the same section the words "It shall be immaterial for the purposes of this section whether any application therein referred to was lodged before or after the passing of this Act.";
- 20 (1) (i) by inserting in paragraph (a) of section one hundred and fifty-three after the words "other than" the words "those for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon and other than";
- 25
- 30 (ii) by inserting in the same paragraph after the words "determined by ballot." the words "The order of priority of conflicting applications made tendered or lodged to or with the Crown land agent simultaneously for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon shall be determined by ballot.";
- 35
- (m)

Sec. 153.
(Simultaneous conflicting applications.)

Crown Lands Amendment (Home Sites).

- 5 (m) by omitting from section 161A the words "and the land shall thereupon be again available for application for any class of holding for which it was set apart unless otherwise notified" and by inserting in lieu thereof the words "and
- 10 (a) except in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases, the land shall become and be reserved from every form of sale or lease, until otherwise notified in the Gazette;
- 15 (b) in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases any application for the land which was made but not disposed of before the application was declared null and void shall be dealt with as if such lastmentioned application had not been made, but the land shall not be available for
- 20 any other application unless otherwise notified in the Gazette".
- 25 (n) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:—
- (4) The Minister may unconditionally or subject to such conditions as he may impose—
- 30 (a) dispense with the condition of residence, fencing or improvement attached to any holding which is not of a greater unimproved value than three hundred pounds;
- 35 (b) dispense with any condition attached to any holding (irrespective of value) where the Minister is of the opinion that such dispensation is necessary to assist the holder to borrow money to be applied towards the erection of a dwelling on such holding.

Sec. 161A.

(Cases where deposit or rent and survey fee need not accompany the

application.)

Sec. 178.

(Suspension or remission of conditions other than payment.)

Where

Crown Lands Amendment (Home Sites).

5 Where in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the like certificate as to compliance with conditions as it may have issued if the conditions dispensed with had been fulfilled:

10 Provided that where the Minister dispenses with any conditions under this subsection subject to conditions which he may impose, the local land board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled:

15 Provided further that where the Minister dispenses with any condition under paragraph (b) of this subsection the holding to which the condition attached shall be liable to be forfeited if a dwelling is not erected thereon within three years from the granting of such dispensation.

20 (o) by omitting section one hundred and eighty-one and by inserting in lieu thereof the following section:—

25 181. Save as otherwise in this Act provided, the conditions attaching to any purchase, home-
stead selection or grant, or lease or license under this Act, shall, until complied with, bind and
be deemed always to have bound not only the persons who were the holders of the same when
such conditions became attached but also all persons deriving title through or under them
30 and all persons upon whom title shall devolve or be cast by operation of law.

(Four Years Amendment) (Amend. 51st)

Where in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the certificate as to compliance with conditions as if it may have issued if the conditions dispensed with had been fulfilled.

2

Provided that where the Minister dispenses with any conditions under this subsection and the local board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled.

10

Provided further that where the Minister dispenses with any condition under paragraph (b) of this subsection the holding to which the condition attached shall be liable to be forfeited if a holding is not created thereon within three years from the granting of such dispensation.

14

(c) by omitting section one hundred and eighty one and by inserting in lieu thereof the following section:

20

181. There is hereby provided that the conditions attached to any purchase under this Act shall, until complied with, bind and be deemed always to have bound not only the persons who were the holders of the same when such conditions became attached but also all persons deriving title through or under them and all persons upon whom title shall hereafter be cast by operation of law.

26

30

CROWN LANDS AMENDMENT (HOME SITES) BILL, 1955.

EXPLANATORY NOTE.

THE objects of this Bill are to amend the Crown Lands Consolidation Act, 1913, so as—

- (a) to substitute for the condition of residence attaching to small holdings of certain classes a condition requiring the erection of a dwelling;
- (b) to remove the restriction on the transfer of small holdings of certain classes upon the erection of a dwelling thereon and the Minister certifying in the prescribed form that such holdings may be transferred without his consent;
- (c) to authorise the Minister to attach to auction and after-auction sales of home sites special conditions relating to the erection of dwellings;
- (d) to provide that the title to suburban holdings and week-end leases confirmed after the commencement of this amendment shall commence from such confirmation;
- (e) to provide that subject to certain conditions Crown grants may issue in respect of certain tenures before the expiration of the presently prescribed period of five years;
- (f) to provide that where the order of priority among conflicting applications for suburban holdings for home sites has been determined by ballot—
 - (i) each applicant shall be restricted to the first block available to him as the result of the ballot; and
 - (ii) the local land board need consider only such applications as succeed in the ballot;
- (g) to make other amendments of a machinery and ancillary character.

CHAPTER I

THE HISTORY OF THE WORLD

In the study of the history of the world, we find that the human race has been passing through various stages of civilization. The earliest stages are those of the primitive and barbaric ages, when the human mind was in its infancy and the human hand was unskilled. The progress of the human race has been slow and uneven, but it has been constant. The human mind has been gradually expanding, and the human hand has been gradually becoming more skilled. The human race has been passing through various stages of civilization, and the human mind has been gradually expanding. The human hand has been gradually becoming more skilled. The human race has been passing through various stages of civilization, and the human mind has been gradually expanding. The human hand has been gradually becoming more skilled.

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PROOF

No. , 1955.

A BILL

To make further provision with respect to conditions of residence attaching to and the erection of dwellings upon home sites provided out of Crown lands; to remove the restrictions on the transfer of certain holdings in certain circumstances; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith.

[Mr. HAWKINS;—15 November, 1955.]

Crown Lands Amendment (Home Sites).

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

1. (1) This Act may be cited as the "Crown Lands Amendment (Home Sites) Act, 1955." Short title and commencement.

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

2. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.

- (a) by omitting from subsection one of section forty-seven the word "or" where firstly occurring and by inserting in lieu thereof the words "exceeding one acre in area and the holder of a"; Sec. 47. (Condition of residence on conditional purchases and conditional leases generally.)
- 15
- (b) by inserting next after section forty-seven the following short heading and new section:— New sec. 47A.

20 *Condition requiring the erection of a dwelling on certain conditional purchases.*

47A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for or for conversion into a conditional purchase is confirmed or granted after such commencement and such conditional purchase does not exceed one acre in area it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from the confirmation or granting of such application or such further period as the Minister may allow. Erection of dwelling to be condition of certain conditional purchases.

25

30

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a conditional purchase—

- 5 (a) whereon a dwelling has been erected at the confirmation or granting of the application as aforesaid; or
- (b) which by virtue of any provision of this Act other than section forty-seven is not subject to a condition of residence.

10 (2) Where in respect of a conditional purchase of an area not exceeding one acre subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such

15 condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such conditional purchase that the holder shall erect

20 a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This subsection shall not apply to a conditional purchase whereon a dwelling has been erected at such commencement.

- 25 (c) (i) by inserting in section one hundred and twenty-six after the word "holding" the words "exceeding one acre in area";
- (ii) by omitting from the same section the words:—

Sec. 126.
(Suburban holding: condition of residence.)

30 "The local land board, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve

35 months under any one application as to it may seem fit" and by inserting in lieu thereof the following paragraph:—

Nothing in this section shall apply to a suburban holding of a block notified by the

Crown Lands Amendment (Home Sites).

the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.

- 5 (d) by inserting next after section one hundred and twenty-six the following short heading and new section:— New sec. 126A.

Condition requiring the erection of a dwelling on certain suburban holdings.

- 10 126A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for a suburban holding is confirmed after such commencement and such suburban holding— Erection of dwelling to be condition of certain suburban holdings.

- 15 (a) does not exceed one acre in area, or
- (b) is of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,
- 20

it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from the confirmation of such application or such further period as the Minister may allow.

25

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at the confirmation of the application as aforesaid.

- 30 (2) Where in respect of a suburban holding of a kind specified in paragraph (a) or (b) of subsection one of this section subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence
- 35

Crown Lands Amendment (Home Sites).

5 residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

10 This subsection shall not apply to a suburban holding whereon a dwelling has been erected at such commencement.

15 (e) (i) by omitting from paragraph (f) of sub-section one of section 129B the word "section" wherever occurring and by inserting in lieu thereof the word "subsection"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by inserting in paragraph (g) of the same subsection after the word "shall" where firstly occurring the words "if it exceeds one acre in area";

20 (iii) by inserting at the end of the same paragraph the following words:—

25 "Nothing in this paragraph shall apply to a purchase of a suburban holding or part thereof being the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.";

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

35 (2) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) to purchase a suburban holding is granted after such commencement and such purchase—

(a) does not exceed one acre in area;
or

(b)

Crown Lands Amendment (Home Sites).

5 (b) is a purchase of a suburban holding
or part thereof which is the whole
or a part of a block notified by the
Minister under section one hun-
dred and twenty-four of this Act as
made available for the purpose of
erecting a dwelling thereon,

10 it shall be a condition attaching to such
purchase that the holder shall erect a dwell-
ing thereon within one year from the grant-
ing of such application or such further
period as the Minister may allow.

15 Nothing in this subsection shall apply to
a purchase of any land whereon a dwelling
has been erected at the granting of the
application as aforesaid.

(3) Where in respect of a purchase
which—

20 (a) does not exceed one acre in area;
or

25 (b) is a purchase of a suburban holding
or part thereof which is the whole
or part of a block notified by the
Minister under section one hun-
dred and twenty-four of this Act as
made available for the purpose of
erecting a dwelling thereon,

30 the application to purchase was granted be-
fore the commencement of the Crown Lands
Amendment (Home Sites) Act, 1955, and
immediately before such commencement a
condition of residence attached thereto, and
such condition of residence was not being
performed elsewhere in pursuance of the
35 provisions of this Act, it shall be a condition
attaching to such purchase that the holder
shall erect a dwelling thereon within one
year from such commencement or such
further period as the Minister may allow.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a purchase whereon a dwelling has been erected at such commencement.

3. The Crown Lands Consolidation Act, 1913, as further amended by subsequent Acts, is further amended—

Further amendment of Act No. 7, 1913.

(a) by inserting next after section 75B the following new section:—

New sec. 75c.

10 75c. (1) Any lease granted under section seventy-five or 75B hereof or extended to a lease in perpetuity under section 75A hereof which is solely for the purpose of residence and which does not exceed one acre in area may, notwithstanding anything to the contrary contained in section 75A or 75B hereof or in the conditions attached to such lease, be transferred or sublet without the consent of the Minister if a dwelling has been erected on such lease and the Minister has certified in the prescribed form that such lease may be so transferred or sublet.

Removal of restrictions on transfer and condition of residence and substitution of a building condition in respect of certain special leases.

15
20 (2) Any condition which attached immediately before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, to any such lease requiring the lessee to reside thereon is hereby revoked and unless at such commencement a dwelling has been erected thereon there is hereby attached thereto a condition requiring the lessee to erect thereon a dwelling within one year from such commencement or such further period as the Minister may allow.

(b) by inserting at the end of section one hundred and twenty-nine the following new subsection:—

Sec. 129. (Transfer of suburban holdings.)

35 (4) This section shall cease to apply to or in respect of any suburban holding which does not exceed one acre in area and any suburban holding of a block notified by the Minister under section

section

Crown Lands Amendment (Home Sites).

5 section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such suburban holding and the Minister has certified in the prescribed form that such holding may be transferred without his consent.

10 (c) (i) by omitting from paragraph (k) of subsection one of section 129B the words "The provisions of this paragraph shall apply whether a grant has or has not issued, but shall not apply to the transfer of any parcel of land being part of that comprised in a grant of land purchased under this section where the Minister so certifies in the prescribed form. The Minister" and by inserting in lieu thereof the words—

Sec. 129B.
(Purchase of suburban holdings.)

15 "The provisions of this paragraph shall apply whether a grant has or has not issued but shall not apply to the transfer of—

20 of—

25 (i) a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon—

30 (a) where the Minister has certified under subsection four of section one hundred and twenty-nine of this Act that such suburban holding may be transferred without his consent; or

35

(b)

Crown Lands Amendment (Home Sites).

- 5 (b) when a dwelling has been erected on such purchase and the Minister has certified in the prescribed form that such purchase may be transferred without his consent; or
- 10 (ii) any land within a grant issued in respect of a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and
- 15 twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such land and the Minister has certified in the prescribed form that such land or the suburban holding purchase or the suburban holding under which such land was held may be transferred without his consent; or
- 20
- 25 (iii) any parcel of land being part of that comprised in a grant of land purchased under this section (other than a parcel specified in subparagraph (ii) of this paragraph) where the
- 30 Minister so certifies in the prescribed form.

In respect of any parcel of land to which subparagraph (iii) of this paragraph relates the Minister”;

- 35 (ii) by omitting from the same paragraph the words “the parcel of land” and by inserting in lieu thereof the words “the land to which such certificate relates”;
- (d)

Crown Lands Amendment (Home Sites).

- 5 (d) by inserting in section two hundred and fifty-seven after the words "suburban holding" where lastly occurring the words "to the transfer of which the consent of the Minister is required under that section"; Sec. 257. (Subdivision of holdings.)
- 10 (e) by inserting at the end of section two hundred and sixty the following new subsection:— Sec. 260. (Conditional purchases and conditional leases: transfers.)
- (2) Notwithstanding anything contained in paragraph two or three of subsection one of this section an original conditional purchase which does not exceed one acre in area may be transferred at any time.
- 15 (f) by omitting from section 264A the words "before the expiration of five years from the commencement of title thereto" and by inserting in lieu thereof the words "before the issue of the certificate that all conditions attaching thereto have been complied with or before five years of the condition of residence have been performed, as the case may be,"; Sec. 264A. (Further right to transfer holdings.)
- 20 (g) by inserting at the end of section two hundred and seventy-two the following new subsection:— Sec. 272. (Restriction as to assigns of certain holdings applied for after 1st February, 1909.)
- 25 (8) Notwithstanding anything contained in this section any conditional purchase (whether a grant in respect of the same has or has not issued) or any parcel of land being part of that comprised in a grant of a conditional purchase, may be transferred or otherwise dealt with without recourse to this section where the area of such firstmentioned conditional purchase or such parcel of land does not exceed one acre, and a dwelling has been erected on such firstmentioned conditional purchase or such parcel of land, and the Minister has certified in the prescribed form that such firstmentioned conditional purchase or such parcel of land may be transferred without his consent.
- 30
- 35
- (h)

Crown Lands Amendment (Home Sites).

- (h) by omitting section 274A and by inserting in lieu thereof the following section:— Subst. sec. 274A.

5 274A. A week-end lease may be transferred in the prescribed form to a qualified person at any time. Transfer of week-end leases.

10 A transfer of a week-end lease shall not be valid unless the consent thereto of the Minister has been obtained: Provided that a week-end lease which does not exceed one acre in area and on which a dwelling has been erected may be transferred without the consent of the Minister where the Minister has certified in the prescribed form that such week-end lease may be transferred without his consent and any subsequent transfer of any such week-end lease in respect of which the Minister has so certified shall be valid without the consent thereto of the Minister having been obtained.

20 4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended— Further amendment of Act No. 7, 1913.

- (a) by inserting in section fifty-four after the word "improvement" the words "or the condition requiring the erection of a dwelling,"; Sec. 54. (Forfeiture for non-performance of residence, fencing or improvement.)
- 25 (b) by inserting next after subsection seven of section sixty-three the following new subsection:— Sec. 63. (Sale by auction of Crown lands.)

30 (7A) The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

(c)

Crown Lands Amendment (Home Sites).

- (c) by inserting in section sixty-four after the word "area" where secondly occurring the following new paragraph:—
- 5 The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.
- 10
- (d) (i) by omitting from section 64A the words "after the commencement of the Crown Lands (Amendment) Act, 1917, any town or suburban" and by inserting in lieu thereof the word "any";
- 15 (ii) by inserting at the end of the same section the following new paragraph:—
- 20 For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.
- 25
- (e) by inserting in subsection two of section one hundred and twenty-three after the word "with;" where firstly occurring the words "provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;";
- 30
- 35
- (f) (i) by inserting in subsection one of section one hundred and twenty-five after the word "Act" where secondly occurring the words "and in the case of any block notified by the Minister

Sec. 64.
(Crown lands not sold at auction; purchase after auction.)

Sec. 64A.
(Restrictions in respect of auction purchases and after-auction purchases.)

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

Sec. 125.
(Suburban holding application, how made and dealt with.)

Crown Lands Amendment (Home Sites).

- Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon the applicant shall also satisfy the local land board that he is in need of the block as a home site for personal residence and that he will be able to comply with the conditions that will attach to the suburban holding”;
- 5
- (ii) by omitting from the same subsection the words “if so satisfied” and by inserting in lieu thereof the words “if satisfied as to the relevant matters aforesaid”;
- 10
- (iii) by inserting at the end of the same subsection the following new paragraph:—
- 15
- There shall be no appeal to the Land and Valuation Court from the disallowance under this subsection of an application for a suburban holding of a block notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon.”;
- 20
- (g) (i) by inserting at the end of subsection one of section one hundred and twenty-eight the following new paragraph:—
- 25
- Where the application for the suburban holding was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the suburban holding is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.
- 30
- (ii) by inserting in subsection two of the same section after the word “with;” where firstly occurring the words “provided that in any case where it appears that such conditions, other
- 35
- Sec. 128.
(Suburban holding: inquiry by board and issue of grant.)

Crown Lands Amendment (Home Sites).

- other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;”;
- 5
- (h) by omitting from paragraph (i) of subsection one of section 129B the words “After the expiration of the term of residence the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;
- 10
- (i)(i) by inserting at the end of subsection one of section 136F the following new paragraph:—
- 15
- Where the application for the week-end lease was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the week-end lease is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.
- 20
- (ii) by omitting from subsection two of the same section the words “After the expiration of five years after the confirmation of the application for a week-end lease the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;
- 25
- (j) by inserting in section one hundred and fifty after the word “area” where firstly occurring the words “(other than a suburban holding or week-end lease)”;
- 30
- (k) (i) by inserting in section one hundred and fifty-one after the word “made” where secondly occurring the following proviso:—
- 35
- Provided that where the order of priority of conflicting applications, whether made before or after the commencement of the Crown

Sec. 129B.
(Purchase of suburban holdings.)

Sec. 136F.
(Title to and issue of grant for week-end leases.)

Sec. 150.
(In what cases applications give title.)

Sec. 151.
(Successive applications.)

Crown Lands Amendment (Home Sites).

- 5 Crown Lands Amendment (Home Sites) Act, 1955, for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting dwellings thereon, has been determined by ballot and any application in respect of which any such block is available has been withdrawn refused or modified the applica-
10 tions in respect of which any other blocks are available shall be dealt with as if no such application had been withdrawn refused or modified.
- 15 (ii) by omitting from the same section the words "It shall be immaterial for the purposes of this section whether any application therein referred to was lodged before or after the passing of this Act.";
- 20 (1) (i) by inserting in paragraph (a) of section one hundred and fifty-three after the words "other than" the words "those for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon and other than"; Sec. 153. (Simultaneous conflicting applications.)
- 25 (ii) by inserting in the same paragraph after the words "determined by ballot." the words "The order of priority of conflicting applications made tendered or lodged to or with the Crown land agent simultaneously for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon shall be determined by ballot.";
- 30
- 35
- (m)

Crown Lands Amendment (Home Sites).

- 5 (m) by omitting from section 161A the words "and the land shall thereupon be again available for application for any class of holding for which it was set apart unless otherwise notified" and by inserting in lieu thereof the words "and
- 10 (a) except in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases, the land shall become and be reserved from every form of sale or lease, until otherwise notified in the Gazette;
- 15 (b) in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases any application for the land which was made but not disposed of before the application was declared null and void shall be dealt with as if such lastmentioned application had not been made, but the land shall not be available for
- 20 any other application unless otherwise notified in the Gazette".
- 25 (n) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:—
- (4) The Minister may unconditionally or subject to such conditions as he may impose—
- 30 (a) dispense with the condition of residence, fencing or improvement attached to any holding which is not of a greater unimproved value than three hundred pounds;
- 35 (b) dispense with any condition attached to any holding (irrespective of value) where the Minister is of the opinion that such dispensation is necessary to assist the holder to borrow money to be applied towards the erection of a dwelling on such holding.

Sec. 161A.

(Cases where deposit or rent and survey fee need not

accompany the application.)

Sec. 178.

(Suspension or remission of conditions other than payment.)

Where

Crown Lands Amendment (Home Sites).

5 Where in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the like certificate as to compliance with conditions as it may have issued if the conditions dispensed with had been fulfilled:

10 Provided that where the Minister dispenses with any conditions under this subsection subject to conditions which he may impose, the local land board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled:

15 Provided further that where the Minister dispenses with any condition under paragraph (b) of this subsection the holding to which the condition attached shall be liable to be forfeited if a dwelling is not erected thereon within three years from the granting of such dispensation.

20 (o) by omitting section one hundred and eighty-one and by inserting in lieu thereof the following section:—

25 181. Save as otherwise in this Act provided, the conditions attaching to any purchase, home-
stead selection or grant, or lease or license under this Act, shall, until complied with, bind and be deemed always to have bound not only the persons who were the holders of the same when such conditions became attached but also all persons deriving title through or under them and all persons upon whom title shall devolve or be cast by operation of law.

Subst. sec.
181.

Successors
in title
bound by
conditions.

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter. I have conferred with the proper authorities and find that the same can be done as requested.

I have accordingly directed the necessary steps to be taken and will be glad to hear from you again when you have had an opportunity to examine the same.

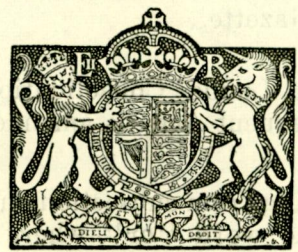
I am, Sir, very respectfully,
Your obedient servant,

J. H. [Name]

77

77

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 47, 1955.

An Act to make further provision with respect to conditions of residence attaching to and the erection of dwellings upon home sites provided out of Crown lands; to remove the restrictions on the transfer of certain holdings in certain circumstances; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1955.]

Crown Lands Amendment (Home Sites).

BE it enacted by the Queen'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
and com-
mencement.

1. (1) This Act may be cited as the "Crown Lands Amendment (Home Sites) Act, 1955."

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

Amend-
ment of
Act No. 7,
1913.

2. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Sec. 47.
(Condition of
residence on
conditional
purchases and
conditional
leases
generally.)

(a) by omitting from subsection one of section forty-seven the word "or" where firstly occurring and by inserting in lieu thereof the words "exceeding one acre in area and the holder of a";

New sec.
47A.

(b) by inserting next after section forty-seven the following short heading and new section:—

*Condition requiring the erection of a dwelling
on certain conditional purchases.*

Erection of
dwelling to be
condition of
certain
conditional
purchases.

47A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for or for conversion into a conditional purchase is confirmed or granted after such commencement and such conditional purchase does not exceed one acre in area it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from the confirmation or granting of such application or such further period as the Minister may allow.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a conditional purchase—

- (a) whereon a dwelling has been erected at the confirmation or granting of the application as aforesaid; or
- (b) which by virtue of any provision of this Act other than section forty-seven is not subject to a condition of residence.

(2) Where in respect of a conditional purchase of an area not exceeding one acre subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This subsection shall not apply to a conditional purchase whereon a dwelling has been erected at such commencement.

- (c) (i) by inserting in section one hundred and twenty-six after the word "holding" the words "exceeding one acre in area"; Sec. 126.
(Suburban holding: condition of residence.)
- (ii) by omitting from the same section the words:—

"The local land board, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve months under any one application as to it may seem fit" and by inserting in lieu thereof the following paragraph:—

Nothing in this section shall apply to a suburban holding of a block notified by
the

Crown Lands Amendment (Home Sites).

the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.

New sec.
126A.

- (d) by inserting next after section one hundred and twenty-six the following short heading and new section:—

*Condition requiring the erection of a dwelling
on certain suburban holdings.*

Erection of
dwelling to
be condition
of certain
suburban
holdings.

126A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for a suburban holding is confirmed after such commencement and such suburban holding—

- (a) does not exceed one acre in area, or
(b) is of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from the confirmation of such application or such further period as the Minister may allow.

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at the confirmation of the application as aforesaid.

(2) Where in respect of a suburban holding of a kind specified in paragraph (a) or (b) of subsection one of this section subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence

Crown Lands Amendment (Home Sites).

residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at such commencement.

(e) (i) by omitting from paragraph (f) of subsection one of section 129B the word "section" wherever occurring and by inserting in lieu thereof the word "subsection"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by inserting in paragraph (g) of the same subsection after the word "shall" where firstly occurring the words "if it exceeds one acre in area";

(iii) by inserting at the end of the same paragraph the following words:—

"Nothing in this paragraph shall apply to a purchase of a suburban holding or part thereof being the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.";

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

(2) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) to purchase a suburban holding is granted after such commencement and such purchase—

(a) does not exceed one acre in area;

or

(b)

Crown Lands Amendment (Home Sites).

- (b) is a purchase of a suburban holding or part thereof which is the whole or a part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from the granting of such application or such further period as the Minister may allow:

Nothing in this subsection shall apply to a purchase of any land whereon a dwelling has been erected at the granting of the application as aforesaid.

(3) Where in respect of a purchase which—

- (a) does not exceed one acre in area;
or
(b) is a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

the application to purchase was granted before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, and immediately before such commencement a condition of residence attached thereto, and such condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a purchase whereon a dwelling has been erected at such commencement.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 7, 1913.

(a) by inserting next after section 75B the following new section:—

New sec. 75C.

75c. (1) Any lease granted under section seventy-five or 75B hereof or extended to a lease in perpetuity under section 75A hereof which is solely for the purpose of residence and which does not exceed one acre in area may, notwithstanding anything to the contrary contained in section 75A or 75B hereof or in the conditions attached to such lease, be transferred or sublet without the consent of the Minister if a dwelling has been erected on such lease and the Minister has certified in the prescribed form that such lease may be so transferred or sublet.

Removal of restrictions on transfer and condition of residence and substitution of a building condition in respect of certain special leases.

(2) Any condition which attached immediately before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, to any such lease requiring the lessee to reside thereon is hereby revoked and unless at such commencement a dwelling has been erected thereon there is hereby attached thereto a condition requiring the lessee to erect thereon a dwelling within one year from such commencement or such further period as the Minister may allow.

(b) by inserting at the end of section one hundred and twenty-nine the following new subsection:—

Sec. 129.

(Transfer of suburban holdings.)

(4) This section shall cease to apply to or in respect of any suburban holding which does not exceed one acre in area and any suburban holding of a block notified by the Minister under

section

Crown Lands Amendment (Home Sites).

section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such suburban holding and the Minister has certified in the prescribed form that such holding may be transferred without his consent.

Sec. 129B.
(Purchase
of suburban
holdings.)

- (c) (i) by omitting from paragraph (k) of subsection one of section 129B the words "The provisions of this paragraph shall apply whether a grant has or has not issued, but shall not apply to the transfer of any parcel of land being part of that comprised in a grant of land purchased under this section where the Minister so certifies in the prescribed form. The Minister" and by inserting in lieu thereof the words—

"The provisions of this paragraph shall apply whether a grant has or has not issued but shall not apply to the transfer of—

- (i) a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon—

- (a) where the Minister has certified under subsection four of section one hundred and twenty-nine of this Act that such suburban holding may be transferred without his consent; or

(b)

Crown Lands Amendment (Home Sites).

- (b) when a dwelling has been erected on such purchase and the Minister has certified in the prescribed form that such purchase may be transferred without his consent; or
- (ii) any land within a grant issued in respect of a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such land and the Minister has certified in the prescribed form that such land or the suburban holding purchase or the suburban holding under which such land was held may be transferred without his consent; or
- (iii) any parcel of land being part of that comprised in a grant of land purchased under this section (other than a parcel specified in subparagraph (ii) of this paragraph) where the Minister so certifies in the prescribed form.

In respect of any parcel of land to which subparagraph (iii) of this paragraph relates the Minister”;

- (ii) by omitting from the same paragraph the words “the parcel of land” and by inserting in lieu thereof the words “the land to which such certificate relates”;

(d)

(d)

Crown Lands Amendment (Home Sites).

Sec. 257.
(Subdivision of holdings.)

- (d) by inserting in section two hundred and fifty-seven after the words "suburban holding" where lastly occurring the words "to the transfer of which the consent of the Minister is required under that section";

Sec. 260.
(Conditional purchases and conditional leases: transfers.)

- (e) by inserting at the end of section two hundred and sixty the following new subsection:—

(2) Notwithstanding anything contained in paragraph two or three of subsection one of this section an original conditional purchase which does not exceed one acre in area may be transferred at any time.

Sec. 264A.
(Further right to transfer holdings.)

- (f) by omitting from section 264A the words "before the expiration of five years from the commencement of title thereto" and by inserting in lieu thereof the words "before the issue of the certificate that all conditions attaching thereto have been complied with or before five years of the condition of residence have been performed, as the case may be,";

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

- (g) by inserting at the end of section two hundred and seventy-two the following new subsection:—

(8) Notwithstanding anything contained in this section any conditional purchase (whether a grant in respect of the same has or has not issued) or any parcel of land being part of that comprised in a grant of a conditional purchase, may be transferred or otherwise dealt with without recourse to this section where the area of such firstmentioned conditional purchase or such parcel of land does not exceed one acre, and a dwelling has been erected on such firstmentioned conditional purchase or such parcel of land, and the Minister has certified in the prescribed form that such firstmentioned conditional purchase or such parcel of land may be transferred without his consent.

(h)

Crown Lands Amendment (Home Sites).

- (h) by omitting section 274A and by inserting in lieu thereof the following section:— Subst. sec.
274A.

274A. A week-end lease may be transferred in the prescribed form to a qualified person at any time. Transfer of
week-end
leases.

A transfer of a week-end lease shall not be valid unless the consent thereto of the Minister has been obtained: Provided that a week-end lease which does not exceed one acre in area and on which a dwelling has been erected may be transferred without the consent of the Minister where the Minister has certified in the prescribed form that such week-end lease may be transferred without his consent and any subsequent transfer of any such week-end lease in respect of which the Minister has so certified shall be valid without the consent thereto of the Minister having been obtained.

4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended— Further
amendment of
Act No. 7,
1913.

- (a) by inserting in section fifty-four after the word "improvement" the words "or the condition requiring the erection of a dwelling,"; Sec. 54.
(Forfeiture
for non-
performance of
residence,
fencing or
improvement.)

- (b) by inserting next after subsection seven of section sixty-three the following new subsection:— Sec. 63.
(Sale by
auction of
Crown lands.)

(7A) The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

(c)

Crown Lands Amendment (Home Sites).

Sec. 64.

(Crown lands not sold at auction; purchase after auction.)

- (c) by inserting in section sixty-four after the word "area" where secondly occurring the following new paragraph:—

The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

Sec. 64A.

(Restrictions in respect of auction purchases and after-auction purchases.)

- (d) (i) by omitting from section 64A the words "after the commencement of the Crown Lands (Amendment) Act, 1917, any town or suburban" and by inserting in lieu thereof the word "any";
- (ii) by inserting at the end of the same section the following new paragraph:—

For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

Sec. 123.

(Homestead farm: inquiry by board and issue of grant.)

- (e) by inserting in subsection two of section one hundred and twenty-three after the word "with;" where firstly occurring the words "provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;"

Sec. 125.

(Suburban holding application, how made and dealt with.)

- (f) (i) by inserting in subsection one of section one hundred and twenty-five after the word "Act" where secondly occurring the words "and in the case of any block notified by the

Minister

Crown Lands Amendment (Home Sites).

Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon the applicant shall also satisfy the local land board that he is in need of the block as a home site for personal residence and that he will be able to comply with the conditions that will attach to the suburban holding”;

- (ii) by omitting from the same subsection the words “if so satisfied” and by inserting in lieu thereof the words “if satisfied as to the relevant matters aforesaid”;
- (iii) by inserting at the end of the same subsection the following new paragraph:—

There shall be no appeal to the Land and Valuation Court from the disallowance under this subsection of an application for a suburban holding of a block notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon.

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

Where the application for the suburban holding was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the suburban holding is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.

- (ii) by inserting in subsection two of the same section after the word “with;” where firstly occurring the words “provided that in any case where it appears that such conditions, other

Sec. 123.
Suburban
holding:
inquiry by
board and
issue of
grant.)

Crown Lands Amendment (Home Sites).

other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;”;

Sec. 129B.
(Purchase
of suburban
holdings.)

- (h) by omitting from paragraph (i) of subsection one of section 129B the words “After the expiration of the term of residence the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;

Sec. 136F.
(Title to
and issue of
grant for
week-end
leases.)

- (i)(i) by inserting at the end of subsection one of section 136F the following new paragraph:—

Where the application for the week-end lease was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the week-end lease is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.

- (ii) by omitting from subsection two of the same section the words “After the expiration of five years after the confirmation of the application for a week-end lease the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;

Sec. 150.
(In what
cases applica-
tions give
title.)

- (j) by inserting in section one hundred and fifty after the word “area” where firstly occurring the words “(other than a suburban holding or week-end lease)”;

Sec. 151.
(Successive
applica-
tions.)

- (k) (i) by inserting in section one hundred and fifty-one after the word “made” where secondly occurring the following proviso:—

Provided that where the order of priority of conflicting applications, whether made before or after the commencement of the
Crown

Crown Lands Amendment (Home Sites).

Crown Lands Amendment (Home Sites) Act, 1955, for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting dwellings thereon, has been determined by ballot and any application in respect of which any such block is available has been withdrawn refused or modified the applications in respect of which any other blocks are available shall be dealt with as if no such application had been withdrawn refused or modified.

(ii) by omitting from the same section the words "It shall be immaterial for the purposes of this section whether any application therein referred to was lodged before or after the passing of this Act.";

(1) (i) by inserting in paragraph (a) of section one hundred and fifty-three after the words "other than" the words "those for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon and other than";

Sec. 153.
(Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the words "determined by ballot." the words "The order of priority of conflicting applications made tendered or lodged to or with the Crown land agent simultaneously for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon shall be determined by ballot.";

(m)

Crown Lands Amendment (Home Sites).

Sec. 161A.
(Cases where deposit or rent and survey fee need not accompany the application.)

(m) by omitting from section 161A the words "and the land shall thereupon be again available for application for any class of holding for which it was set apart unless otherwise notified" and by inserting in lieu thereof the words "and

(a) except in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases, the land shall become and be reserved from every form of sale or lease, until otherwise notified in the Gazette;

(b) in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases any application for the land which was made but not disposed of before the application was declared null and void shall be dealt with as if such lastmentioned application had not been made, but the land shall not be available for any other application unless otherwise notified in the Gazette".

Sec. 178.
(Suspension or remission of conditions other than payment.)

(n) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:—

(4) The Minister may unconditionally or subject to such conditions as he may impose—

(a) dispense with the condition of residence, fencing or improvement attached to any holding which is not of a greater unimproved value than three hundred pounds;

(b) dispense with any condition attached to any holding (irrespective of value) where the Minister is of the opinion that such dispensation is necessary to assist the holder to borrow money to be applied towards the erection of a dwelling on such holding.

Where

Crown Lands Amendment (Home Sites).

Where in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the like certificate as to compliance with conditions as it may have issued if the conditions dispensed with had been fulfilled:

Provided that where the Minister dispenses with any conditions under this subsection subject to conditions which he may impose, the local land board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled:

Provided further that where the Minister dispenses with any condition under paragraph (b) of this subsection the holding to which the condition attached shall be liable to be forfeited if a dwelling is not erected thereon within three years from the granting of such dispensation.

- (c) by omitting section one hundred and eighty-one and by inserting in lieu thereof the following section:—

181. Save as otherwise in this Act provided, the conditions attaching to any purchase, home-stead selection or grant, or lease or license under this Act, shall, until complied with, bind and be deemed always to have bound not only the persons who were the holders of the same when such conditions became attached but also all persons deriving title through or under them and all persons upon whom title shall devolve or be cast by operation of law.

Subst. sec.
181.

Successors
in title
bound by
conditions.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1956.

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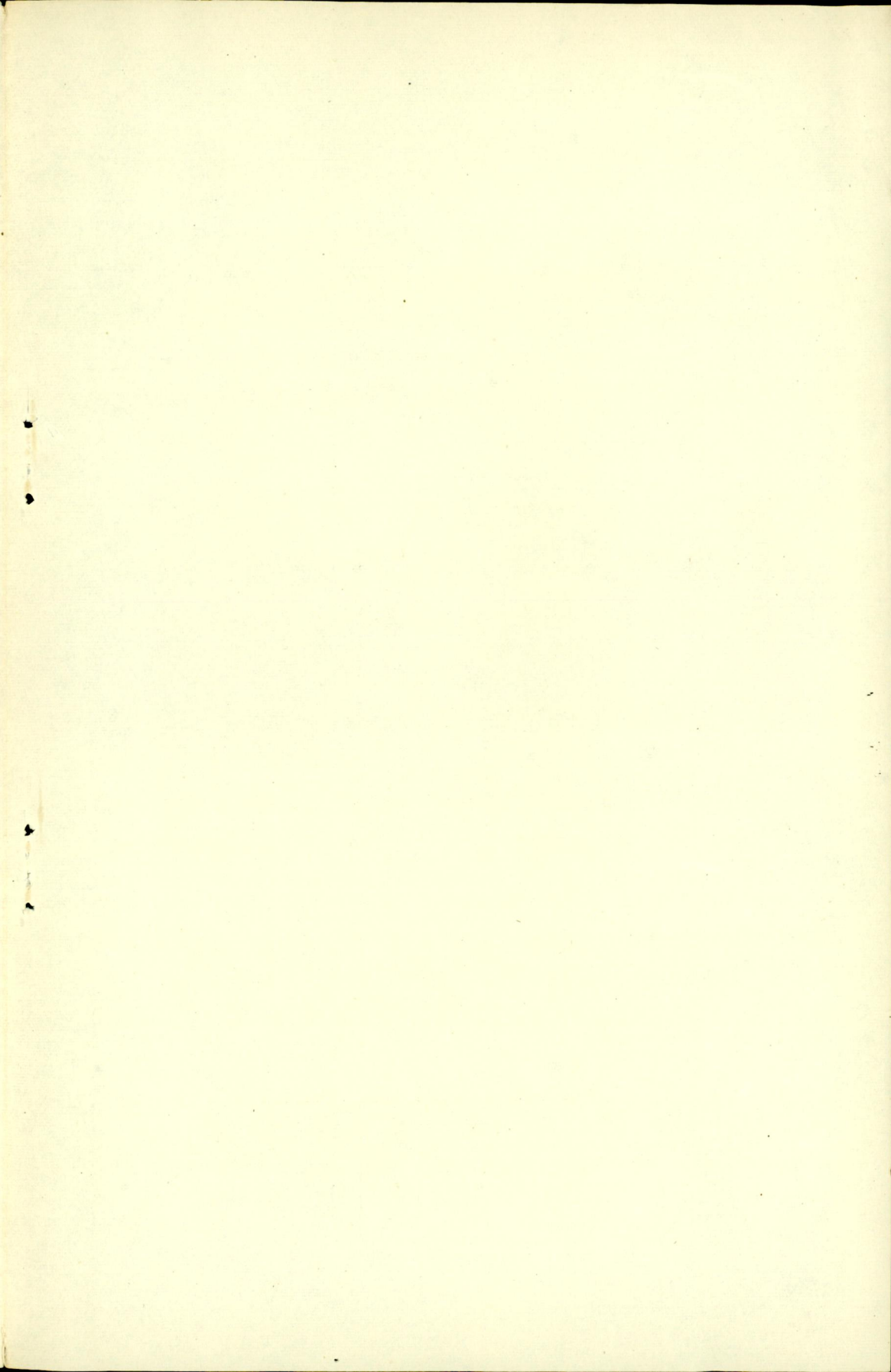
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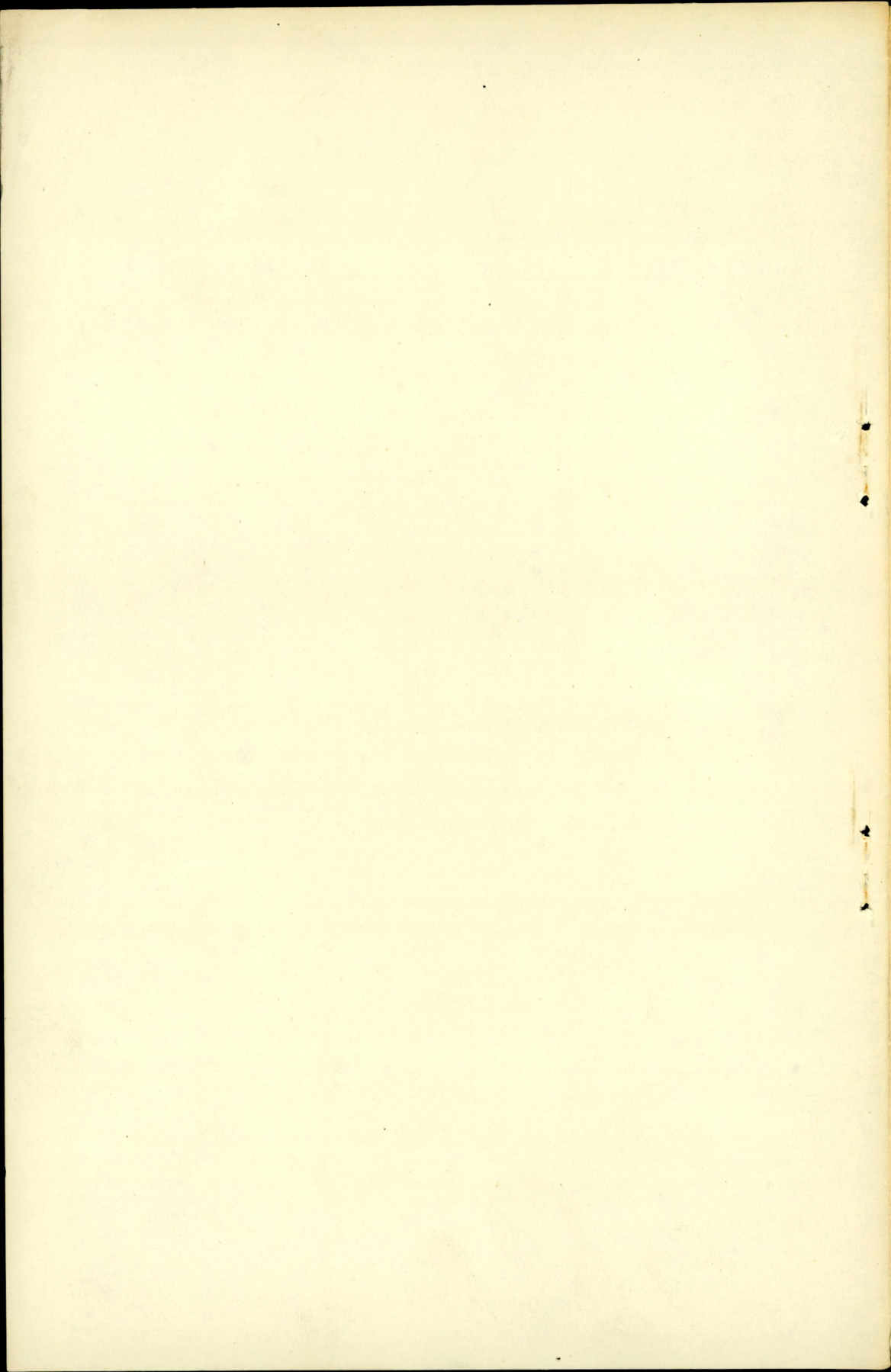
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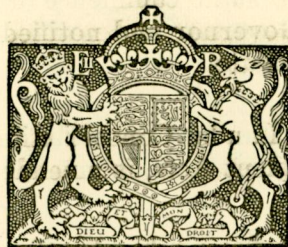


I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 24 November, 1955.

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 47, 1955.

An Act to make further provision with respect to conditions of residence attaching to and the erection of dwellings upon home sites provided out of Crown lands; to remove the restrictions on the transfer of certain holdings in certain circumstances; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 13th December, 1955.]

BE

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.

Crown Lands Amendment (Home Sites).

BE it enacted by the Queen'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 and commencement.

1. (1) This Act may be cited as the "Crown Lands Amendment (Home Sites) Act, 1955."

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

Amendment of Act No. 7, 1913.

2. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Sec. 47.
(Condition of residence on conditional purchases and conditional leases generally.)

(a) by omitting from subsection one of section forty-seven the word "or" where firstly occurring and by inserting in lieu thereof the words "exceeding one acre in area and the holder of a";

New sec. 47A.

(b) by inserting next after section forty-seven the following short heading and new section:—

Condition requiring the erection of a dwelling on certain conditional purchases.

Erection of dwelling to be condition of certain conditional purchases.

47A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for or for conversion into a conditional purchase is confirmed or granted after such commencement and such conditional purchase does not exceed one acre in area it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from the confirmation or granting of such application or such further period as the Minister may allow.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a conditional purchase—

- (a) whereon a dwelling has been erected at the confirmation or granting of the application as aforesaid; or
- (b) which by virtue of any provision of this Act other than section forty-seven is not subject to a condition of residence.

(2) Where in respect of a conditional purchase of an area not exceeding one acre subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such conditional purchase that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This subsection shall not apply to a conditional purchase whereon a dwelling has been erected at such commencement.

- c) (i) by inserting in section one hundred and twenty-six after the word "holding" the words "exceeding one acre in area";
- (ii) by omitting from the same section the words:—

Sec. 126.
(Suburban holding: condition of residence.)

"The local land board, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve months under any one application as to it may seem fit" and by inserting in lieu thereof the following paragraph:—

Nothing in this section shall apply to a suburban holding of a block notified by
the

Crown Lands Amendment (Home Sites).

the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.

New sec.
126A.

- (d) by inserting next after section one hundred and twenty-six the following short heading and new section:—

Condition requiring the erection of a dwelling on certain suburban holdings.

Erection of dwelling to be condition of certain suburban holdings.

126A. (1) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) for a suburban holding is confirmed after such commencement and such suburban holding—

- (a) does not exceed one acre in area, or
- (b) is of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from the confirmation of such application or such further period as the Minister may allow.

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at the confirmation of the application as aforesaid.

(2) Where in respect of a suburban holding of a kind specified in paragraph (a) or (b) of subsection one of this section subsisting at the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, a condition of residence attached thereto immediately before such commencement, and such condition of residence

Crown Lands Amendment (Home Sites).

residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such suburban holding that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This subsection shall not apply to a suburban holding whereon a dwelling has been erected at such commencement.

(e) (i) by omitting from paragraph (f) of sub-^{Sec. 129B.} section one of section 129B the word ^(Purchase of suburban holdings.) "section" wherever occurring and by inserting in lieu thereof the word "subsection";

(ii) by inserting in paragraph (g) of the same subsection after the word "shall" where firstly occurring the words "if it exceeds one acre in area";

(iii) by inserting at the end of the same paragraph the following words:—

"Nothing in this paragraph shall apply to a purchase of a suburban holding or part thereof being the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.";

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

(2) Where an application (whether made before or after the commencement of the Crown Lands Amendment (Home Sites) Act, 1955,) to purchase a suburban holding is granted after such commencement and such purchase—

(a) does not exceed one acre in area;
or

(b)

Crown Lands Amendment (Home Sites).

- (b) is a purchase of a suburban holding or part thereof which is the whole or a part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from the granting of such application or such further period as the Minister may allow.

Nothing in this subsection shall apply to a purchase of any land whereon a dwelling has been erected at the granting of the application as aforesaid.

(3) Where in respect of a purchase which—

- (a) does not exceed one acre in area;
or

- (b) is a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon,

the application to purchase was granted before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, and immediately before such commencement a condition of residence attached thereto, and such condition of residence was not being performed elsewhere in pursuance of the provisions of this Act, it shall be a condition attaching to such purchase that the holder shall erect a dwelling thereon within one year from such commencement or such further period as the Minister may allow.

This

Crown Lands Amendment (Home Sites).

This subsection shall not apply to a purchase whereon a dwelling has been erected at such commencement.

3. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 7, 1913.

(a) by inserting next after section 75B the following new section:—

New sec. 75c.

75c. (1) Any lease granted under section seventy-five or 75B hereof or extended to a lease in perpetuity under section 75A hereof which is solely for the purpose of residence and which does not exceed one acre in area may, notwithstanding anything to the contrary contained in section 75A or 75B hereof or in the conditions attached to such lease, be transferred or sublet without the consent of the Minister if a dwelling has been erected on such lease and the Minister has certified in the prescribed form that such lease may be so transferred or sublet.

Removal of restrictions on transfer and condition of residence and substitution of a building condition in respect of certain special leases.

(2) Any condition which attached immediately before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, to any such lease requiring the lessee to reside thereon is hereby revoked and unless at such commencement a dwelling has been erected thereon there is hereby attached thereto a condition requiring the lessee to erect thereon a dwelling within one year from such commencement or such further period as the Minister may allow.

(b) by inserting at the end of section one hundred and twenty-nine the following new subsection:—

Sec. 129.

(4) This section shall cease to apply to or in respect of any suburban holding which does not exceed one acre in area and any suburban holding of a block notified by the Minister under section

(Transfer of suburban holdings.)

Crown Lands Amendment (Home Sites).

section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such suburban holding and the Minister has certified in the prescribed form that such holding may be transferred without his consent.

Sec. 129B.
(Purchase
of suburban
holdings.)

- (c) (i) by omitting from paragraph (k) of subsection one of section 129B the words "The provisions of this paragraph shall apply whether a grant has or has not issued, but shall not apply to the transfer of any parcel of land being part of that comprised in a grant of land purchased under this section where the Minister so certifies in the prescribed form. The Minister" and by inserting in lieu thereof the words—

"The provisions of this paragraph shall apply whether a grant has or has not issued but shall not apply to the transfer of—

- (i) a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon—

- (a) where the Minister has certified under subsection four of section one hundred and twenty-nine of this Act that such suburban holding may be transferred without his consent; or

(b)

Crown Lands Amendment (Home Sites).

- (b) when a dwelling has been erected on such purchase and the Minister has certified in the prescribed form that such purchase may be transferred without his consent; or
- (ii) any land within a grant issued in respect of a purchase of a suburban holding being a purchase not exceeding one acre in area or a purchase of a suburban holding or part thereof which is the whole or part of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon when a dwelling has been erected on such land and the Minister has certified in the prescribed form that such land or the suburban holding purchase or the suburban holding under which such land was held may be transferred without his consent; or
- (iii) any parcel of land being part of that comprised in a grant of land purchased under this section (other than a parcel specified in subparagraph (ii) of this paragraph) where the Minister so certifies in the prescribed form.

In respect of any parcel of land to which subparagraph (iii) of this paragraph relates the Minister”;

- (ii) by omitting from the same paragraph the words “the parcel of land” and by inserting in lieu thereof the words “the land to which such certificate relates”;

(d)

Crown Lands Amendment (Home Sites).

Sec. 257.
(Subdivision of holdings.)

- (d) by inserting in section two hundred and fifty-seven after the words "suburban holding" where lastly occurring the words "to the transfer of which the consent of the Minister is required under that section";

Sec. 260.
(Conditional purchases and conditional leases: transfers.)

- (e) by inserting at the end of section two hundred and sixty the following new subsection:—

(2) Notwithstanding anything contained in paragraph two or three of subsection one of this section an original conditional purchase which does not exceed one acre in area may be transferred at any time.

Sec. 264A.
(Further right to transfer holdings.)

- (f) by omitting from section 264A the words "before the expiration of five years from the commencement of title thereto" and by inserting in lieu thereof the words "before the issue of the certificate that all conditions attaching thereto have been complied with or before five years of the condition of residence have been performed, as the case may be,";

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

- (g) by inserting at the end of section two hundred and seventy-two the following new subsection:—

(8) Notwithstanding anything contained in this section any conditional purchase (whether a grant in respect of the same has or has not issued) or any parcel of land being part of that comprised in a grant of a conditional purchase, may be transferred or otherwise dealt with without recourse to this section where the area of such firstmentioned conditional purchase or such parcel of land does not exceed one acre, and a dwelling has been erected on such firstmentioned conditional purchase or such parcel of land, and the Minister has certified in the prescribed form that such firstmentioned conditional purchase or such parcel of land may be transferred without his consent.

(h)

Crown Lands Amendment (Home Sites).

- (h) by omitting section 274A and by inserting in lieu thereof the following section:—

Subst. sec.
274A.

274A. A week-end lease may be transferred in the prescribed form to a qualified person at any time.

Transfer of
week-end
leases.

A transfer of a week-end lease shall not be valid unless the consent thereto of the Minister has been obtained: Provided that a week-end lease which does not exceed one acre in area and on which a dwelling has been erected may be transferred without the consent of the Minister where the Minister has certified in the prescribed form that such week-end lease may be transferred without his consent and any subsequent transfer of any such week-end lease in respect of which the Minister has so certified shall be valid without the consent thereto of the Minister having been obtained.

4. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

Further
amendment of
Act No. 7,
1913.

- (a) by inserting in section fifty-four after the word "improvement" the words "or the condition requiring the erection of a dwelling,";

Sec. 54.
(Forfeiture
for non-
performance of
residence
fencing or
improvement.)

- (b) by inserting next after subsection seven of section sixty-three the following new subsection:—

Sec. 63.
(Sale by
auction of
Crown lands.)

(7A) The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

(c)

Crown Lands Amendment (Home Sites).

Sec. 64.
(Crown lands not sold at auction; purchase after auction.)

- (c) by inserting in section sixty-four after the word "area" where secondly occurring the following new paragraph:—

The Minister shall have power and shall be deemed always to have had power to annex to any sale under this section such conditions for or in relation to the erection of a dwelling on the land so sold as he may think fit, and if the purchaser fails to comply with any such condition the purchase may be declared to have lapsed and the purchaser shall not be entitled to any compensation but he may be granted a refund of any moneys paid by him to the Crown in respect of the purchase.

Sec. 64A.
(Restrictions in respect of auction purchases and after-auction purchases.)

- (d) (i) by omitting from section 64A the words "after the commencement of the Crown Lands (Amendment) Act, 1917, any town or suburban" and by inserting in lieu thereof the word "any";
- (ii) by inserting at the end of the same section the following new paragraph:—

For the purposes of this section a husband and wife not living apart under a decree for judicial separation made by any court of competent jurisdiction shall be deemed to be one person.

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

- (e) by inserting in subsection two of section one hundred and twenty-three after the word "with;" where firstly occurring the words "provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;";

Sec. 125.
(Suburban holding application, how made and dealt with.)

- (f) (i) by inserting in subsection one of section one hundred and twenty-five after the word "Act" where secondly occurring the words "and in the case of any block notified by the Minister

Crown Lands Amendment (Home Sites).

Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon the applicant shall also satisfy the local land board that he is in need of the block as a home site for personal residence and that he will be able to comply with the conditions that will attach to the suburban holding”;

(ii) by omitting from the same subsection the words “if so satisfied” and by inserting in lieu thereof the words “if satisfied as to the relevant matters aforesaid”;

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

There shall be no appeal to the Land and Valuation Court from the disallowance under this subsection of an application for a suburban holding of a block notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting a dwelling thereon.

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

Where the application for the suburban holding was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the suburban holding is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.

(ii) by inserting in subsection two of the same section after the word “with;” where firstly occurring the words “provided that in any case where it appears that such conditions, other

Sec. 128.
Suburban
holding:
inquiry by
board and
issue of
grant.)

Crown Lands Amendment (Home Sites).

other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid;”;

Sec. 129B.
(Purchase of suburban holdings.)

- (h) by omitting from paragraph (i) of subsection one of section 129B the words “After the expiration of the term of residence the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;

Sec. 136F.
(Title to and issue of grant for week-end leases.)

- (i)(i) by inserting at the end of subsection one of section 136F the following new paragraph:—

Where the application for the week-end lease was confirmed before the commencement of the Crown Lands Amendment (Home Sites) Act, 1955, the title shall commence from the date of such application. Where the application for the week-end lease is confirmed after the commencement of such Act, the title shall commence from the date of such confirmation.

- (ii) by omitting from subsection two of the same section the words “After the expiration of five years after the confirmation of the application for a week-end lease the local land board shall” and by inserting in lieu thereof the words “The local land board may at any time”;

Sec. 150.
(In what cases applications give title.)

- (j) by inserting in section one hundred and fifty after the word “area” where firstly occurring the words “(other than a suburban holding or week-end lease)”;

Sec. 151.
(Successive applications.)

- (k) (i) by inserting in section one hundred and fifty-one after the word “made” where secondly occurring the following proviso:—

Provided that where the order of priority of conflicting applications, whether made before or after the commencement of the
Crown

Crown Lands Amendment (Home Sites).

Crown Lands Amendment (Home Sites) Act, 1955, for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting dwellings thereon, has been determined by ballot and any application in respect of which any such block is available has been withdrawn refused or modified the applications in respect of which any other blocks are available shall be dealt with as if no such application had been withdrawn refused or modified.

(ii) by omitting from the same section the words "It shall be immaterial for the purposes of this section whether any application therein referred to was lodged before or after the passing of this Act.";

(1) (i) by inserting in paragraph (a) of section one hundred and fifty-three after the words "other than" the words "those for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon and other than";

Sec. 153.
(Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the words "determined by ballot." the words "The order of priority of conflicting applications made tendered or lodged to or with the Crown land agent simultaneously for suburban holdings of blocks notified by the Minister under section one hundred and twenty-four hereof as made available for the purpose of erecting dwellings thereon shall be determined by ballot.";

(m)

Crown Lands Amendment (Home Sites).

Sec. 161A.
(Cases where deposit or rent and survey fee need not accompany the application.)

- (m) by omitting from section 161A the words "and the land shall thereupon be again available for application for any class of holding for which it was set apart unless otherwise notified" and by inserting in lieu thereof the words "and
- (a) except in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases, the land shall become and be reserved from every form of sale or lease, until otherwise notified in the Gazette;
- (b) in the case of land set apart for suburban holdings for the erection of dwellings or for week-end leases any application for the land which was made but not disposed of before the application was declared null and void shall be dealt with as if such lastmentioned application had not been made, but the land shall not be available for any other application unless otherwise notified in the Gazette".

Sec. 178.
(Suspension or remission of conditions other than payment.)

- (n) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:—
- (4) The Minister may unconditionally or subject to such conditions as he may impose—
- (a) dispense with the condition of residence, fencing or improvement attached to any holding which is not of a greater unimproved value than three hundred pounds;
- (b) dispense with any condition attached to any holding (irrespective of value) where the Minister is of the opinion that such dispensation is necessary to assist the holder to borrow money to be applied towards the erection of a dwelling on such holding.

Where

Crown Lands Amendment (Home Sites).

Where in pursuance of this subsection the Minister dispenses with conditions attached to a holding the local land board may issue the like certificate as to compliance with conditions as it may have issued if the conditions dispensed with had been fulfilled:

Provided that where the Minister dispenses with any conditions under this subsection subject to conditions which he may impose, the local land board shall not issue such certificate until the board finds that the conditions imposed by the Minister have been fulfilled:

Provided further that where the Minister dispenses with any condition under paragraph (b) of this subsection the holding to which the condition attached shall be liable to be forfeited if a dwelling is not erected thereon within three years from the granting of such dispensation.

- (o) by omitting section one hundred and eighty-one and by inserting in lieu thereof the following section:—

181. Save as otherwise in this Act provided, the conditions attaching to any purchase, home-stead selection or grant, or lease or license under this Act, shall, until complied with, bind and be deemed always to have bound not only the persons who were the holders of the same when such conditions became attached but also all persons deriving title through or under them and all persons upon whom title shall devolve or be cast by operation of law.

Subst. sec.
181.

Successors
in title
bound by
conditions.

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

J. NORTHCOTT,
Governor.

Government House,
Sydney, 13th December, 1955.

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