

1894-5.

Legislative Council.

CROWN LANDS BILL.

*(Amendment to be proposed in Committee of the Whole by
MR. O'CONNOR.)*

To amend the Assembly's amendment in clause 3:—

“ Such withdrawal being notified, as hereinafter provided, the Local
“ Land Board shall make inquiry, and report to the Minister with
“ respect to the necessity for the proposed withdrawal, and the
“ portion of the lease to be withdrawn, and upon such inquiry
“ the lessee may be a party ”

1881-2

Legislative Council

CROWN LANDS BILL

(Amendment to be proposed in Committee of the Whole House)

MR. O'DONOGHUE

The Bill is to amend the provisions of the Act of 1874 relating to the disposal of Crown lands. It is proposed to amend the provisions relating to the disposal of Crown lands in the following manner:

1. To amend the provisions relating to the disposal of Crown lands in the following manner:

1894-5.

Legislative Council.

CROWN LANDS BILL.

(Amendments to be proposed in Committee of the Whole by MR. KATER.)

Pages 29 and 30, clause ~~49.~~ 52, line 40. Omit all the words commencing “(d) Where the purchaser” to end of clause, insert the following new clauses:—

53. Where a purchaser or lessee of land shall have paid to the person having tenant right part of the value of the improvements, and the purchase or lease is forfeited, so much of the improvements as is represented in value by the amount so paid at the time of the forfeiture shall vest in the Crown, and the residue of the improvements, or in the case of no such payment having been made, then the whole of the improvements shall continue to belong to the person having tenant right, and shall be subject to tenant right: Provided that, if the land be purchased or leased after the forfeiture, fresh appraisalment shall thereupon be made of such of the improvements as are vested in the person having tenant right. These provisions shall (subject to the provisions of section forty-four of the “Crown Lands Act of 1889”) extend to cases where the person is the owner of the improvements without having tenant right thereon.

54. All improvement purchases which have been forfeited or have lapsed shall (except as hereinafter mentioned) revert and be deemed to have reverted to the leasehold area or run or area held under occupation license within which they were situated at the time of such forfeiture or lapsing, and all improvements upon such improvement purchases shall, if not otherwise the property of the Crown, be the property of the lessee or licensee of such leasehold area or area held under occupation license: Provided that any lands applied for as improvement purchases which have been acquired under conditional purchase or conditional or homestead lease before the commencement of this Act shall not be subject to this provision.

The Governor may, upon application in the prescribed manner, give, by notification in the *Gazette*, tenant right in improvements to the last holder of a conditional lease which has been forfeited or surrendered, and shall give such tenant right to the last holder of a conditional lease which has expired.

1894-5.

Legislative Council.

CROWN LANDS BILL.

(Amendments to be proposed in Committee of the Whole [on Re-committal] by MR. WANT.)

- Page 2, clause 3, line 44. *After* "practicable" *omit* "and shall not be less than one-fourth"
- Page 3, clause 3, line 58. *After* "period" *omit* remainder of clause
- Page 6, new clause 7, line 3. *Omit* "or scrub"
- Page 6, new clause 7, lines 29 and 30. *Omit* "after the expiration of six months from notification thereof in the *Gazette*"
- Page 6, new clause 7, line 35. *After* "withdrawal" *insert* "(which shall not take effect until the expiration of six months from the date of notice thereof)"
- Page 6, new clause 7, line 36. *Omit* "such resumed" *insert* "the withdrawn"
- Page 6, new clause 7, line 37. *After* "time" *insert* "and payment of license fee as prescribed"
- Page 6, clause 7-8, line 48. *After* "manner" *insert* "within three months after the commencement of this Act"
- Page 6, clause 7-8, lines 49 and 50. *Omit* "at any time during any period of the lease or during any year of the occupation license"
- Page 6, clause 7-8, lines 50 and 51. *After* "that" *insert* "the" *omit* "not more than one application shall be made, and such"
- Page 7, clause 7-8, line 28. *Omit* "ten" *insert* "five"
- Page 7, clause 7-8, line 28. *Omit* "by the Principal Act"
- Page 11, clause 13-14, line 26. *After* "year" *omit* "either" and *after* "or" *insert* "three years"
- Page 11, clause 13-14, line 47. *Omit* "assignment" *insert* "transfer"
- Page 11, clause 13-14, line 51. *Omit* "assignment" *insert* "transfer"
- Page 12. Clause 17 to stand as clause 10 of the Bill.
- Page 13, clause 17-18, line 2. *Omit* "original"
- Page 13, clause 17-18, line 4. *After* "with" *omit* all additional conditional purchases and conditional leases of the same series" *insert* "any conditional lease held by virtue thereof"
- Page 13, clause 17-18, line 6. *Omit* "original"
- Page 13, clause 17-18, line 14. *After* "interest" *insert* "The capital value of land held under conditional lease shall be one pound per acre"
- Page 14, clause 20-21, line 8. *After* "registering" *insert* "with the land agent for the district," *omit* "with the prescribed authority"
- Page 14, clause 20-21, line 9. *After* "form" *insert* "and the land agent shall enter such particulars as may be prescribed in a book to be kept by him for the purpose, and such book shall be open to inspection by the public at such times and subject to such conditions as to payment of fees or otherwise as may be prescribed"

- Page 14, clause ~~20~~ **21**, line 20. *Insert* " Any transfer, assignment, alienation, conveyance, charge, or incumbrance of a holding protected under this Act shall be absolutely void, but nothing herein contained shall affect the validity of any such charge or incumbrance which was created before the holding, which is the subject thereof, was registered "
- Page 14, clause ~~20~~ **21**, line 28. *Omit* " or " and *omit* subclause (c), *insert* " And the owner may lodge with the land agent an application in the prescribed form asking that the registration of his holding be cancelled, and thereupon the protection shall cease as to such holding, and the land agent shall, upon receipt of such application, make in his book such entry as may be prescribed to show that the registration is cancelled "
- On the death of the owner of a registered holding, the same shall, notwithstanding any will, deed, or other instrument executed by him, devolve upon the persons who would be entitled thereto if he had died intestate; and the protection of this section shall continue for a period of three months from the date of the death, and shall then cease unless notice be filed with the Land Agent setting out the date of the death, the names of such persons as aforesaid, and such other particulars as may be prescribed within such period as aforesaid, and if such notice be so filed as aforesaid the protection of this section shall continue in favour of such persons as regards the shares to which they are respectively entitled.
- Page 16, clause ~~23~~ **24**, line 49. *After* " to " *insert* " to a term not exceeding "
- Page 16, clause ~~23~~ **24**, line 49. *After* " years " *insert* " on such terms and conditions as he may think fit "
- Page 17, clause ~~24~~ **25**, lines 24 and 25. *Omit* " and be subject to re-appraisement as also hereinbefore provided "
- Page 20, clause ~~31~~ **32**, line 34. *After* " provisions " *insert* " herein-after contained " *omit* " of the fifty-second section hereof "
- Page 23, clause ~~39~~ **40**, line 47. *Omit* " failed " *insert* " fails "
- Page 24, clause ~~42~~ **43**, line 56. *Omit* " statutory " and *after* " provisions " *insert* " of the said Acts "
- Page 24, clause ~~42~~ **43**, line 56. *Omit* " under which such purchase or lease purported to be made or granted, whether such provisions were as to the land to be purchased or leased or the area thereof, the person making or taking such purchase or lease, the time or manner of making or taking the same or otherwise "
- Page 31, clause ~~53~~ **56**, lines 44 and 45. *Omit* " and in a local newspaper "
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1894-5.

Legislative Council.

CROWN LANDS BILL.

(New Clause to be proposed in Committee of the Whole by MR. KATER.)

After clause 49—

In any case where land containing improvements shall be forfeited before the full value of such improvements has been paid to the owner thereof, the forfeiture shall as against such owner not operate except with respect to such proportion of the value as may have actually been paid: Provided always that for the purposes of this section any sums which were unpaid through the laches or default of the owner of the improvements shall be deemed to have been paid.

1894-5.

Legislative Council.

CROWN LANDS BILL.

(New Clauses to be proposed in Committee of the Whole.)

By MR. O'CONNOR:—

After clause 42 insert the following new clause—

Notwithstanding anything in the Principal Act, or any amendment thereof contained, it shall be lawful for the holder of a pastoral lease in the Central Division at any time before the expiration of the current lease to make application in the prescribed manner under the provisions of section forty-three of the "Crown Lands Act of 1889" for an extension of such lease, and thereupon such holder shall have and be entitled to the same rights and privileges as if he had made such application within the time and in the manner provided by the said forty-third section, and the Land Board may make the inquiry and report required under the said section at any time, notwithstanding the provisions of the said section.

By MR. WANT:—

To follow clause 44 of the Bill as printed—

45. In any case where the Local Land Board shall, under the provisions of the Principal Acts, issue a certificate that the holder of a conditional purchase *bona-fide* and solely in his own interest has been compelled through adverse circumstances to vacate or abandon the same, the Board may direct a refund of the whole or part of the deposit and survey fee.

46. After the expiration of the term or of the extended term of any pastoral lease in the Central Division granted under the Principal Act or the "Crown Lands Act of 1889," fifty-third Victoria number twenty-one, the lands theretofore subject to any such lease or extended lease shall become and be dealt with as a resumed area on notification in the *Gazette* that the same may be so dealt with.

To follow clause 53 of the Bill as printed—

When it is intended to alter or cancel, under section one hundred and seven of the "Crown Lands Act of 1884," the design or plan or limits of any city, town, or village, or suburban lands in which allotments or portions have been sold, notice of the intention and of the nature of the proposed alteration or cancellation shall be published in the *Gazette* and in some newspaper circulating in the district.

After first notice in the *Gazette* as aforesaid the Local Land Board shall thereafter assess the loss (if any) of value which may be suffered by the holder of any allotment or portion if the proposed alteration

alteration or cancellation is carried into effect. If the intention to alter or cancel the design or plan is afterwards carried into effect, the sum assessed by the Local Land Board (or by the Land Appeal Court on appeal or reference) shall be the total sum payable by way of compensation to the said holder, and all persons claiming under or through him; and such holder and all persons claiming under or through him shall be barred of any action or suit in respect of the alteration or cancellation of the design or plan or limits or the carrying out thereof.

To follow clause 53 of the Bill as printed—

The Governor shall have, and be deemed to have had, power to appoint trustees, who, except as hereinafter provided, shall not be less than three in number, for the care and management of any lands temporarily reserved from sale (whether reservation has been made at any time before or shall be made after the passing of this Act), and shall have and be deemed to have had power to make rules enforceable by penalties not to exceed twenty pounds for the guidance of the said trustees and the control of the said lands, which rules upon notification in the *Gazette* shall have and be deemed to have had the force of law.

The trustees of any such lands as aforesaid shall be called temporary trustees.

The Governor shall have the power, and be deemed to have had the power, of appointing the body corporate of any Borough or Municipal District within the meaning of the "Municipalities Act of 1867," or any Act amending the same, as a trustee of any lands under this section or under section one hundred and six of the "Crown Lands Act of 1894," whether the said lands are within the boundaries of the Borough or Municipal District or not, and when a body corporate is trustee as aforesaid other trustees shall not be required.

The council for the time being of such Borough or Municipal District shall be the sole representative of the body corporate in its capacity of trustee, and as such representative shall be charged with the due administration of the trust.

The appointment of any trustee or trustees under this section shall take effect, and be deemed to have taken effect, upon notification in the *Gazette*; and the Governor may, from time to time, remove any such trustee or trustees, and fill any vacancies which may occur by reason of the removal or by death or resignation.

To follow clause 53 of the Bill as printed—

Any surveyor or other person engaged in the public service may enter upon any alienated lands or lands held under lease or license in any case where it may be necessary or desirable for him to do so in the performance of his duty, or where it may be necessary to do so for the purpose of effecting any survey or taking of levels which has been authorised by the Minister, and in any such case as aforesaid may take with him such assistants as he may require, and may upon such lands erect poles, drive pegs, affix marks, and do and perform all such other acts, matters, and things as may be necessary for carrying out the said survey or taking of levels, or for verifying or testing any survey previously made or levels previously taken :

Provided always that—

- (a) no unnecessary damage shall be done; and
- (b) in the case of a surveyor reasonable notice in writing of the intention to enter shall be given, if practicable, to the reputed owner of such lands; and
- (c) the surveyor shall give reasonable proof of his official character if so required

By MR. HUMPHERY :—

To follow clause 54—

The Chairman of a Local Land Board sitting alone shall have power and jurisdiction to do and perform all such acts, matters, or things as now by law may be done or performed by the Local Land Board, except in any case where the prescribed notice is given by a party that the Local Land Board is required to deal therewith; and, except as aforesaid, the decision, order, recommendation, or other act of the Chairman shall be deemed to be that of the Local Land Board.

By MR. KATER :—

After clause 49 *insert* the following new clause—

All improvement purchases which have been forfeited or have lapsed shall (except as hereinafter mentioned) revert and be deemed to have reverted to the leasehold area or area held under occupation license within which they were situated at the time of such forfeiture or lapsing, and all improvements upon such improvement purchases shall be the property of the lessee or licensee of such leasehold area or area held under occupation license, and the said lessee or licensee shall be entitled to tenant right in such improvements if by this or any existing Land Act tenant right accrues upon such leasehold area or area held under occupation license :

Provided that any lands applied for as improvement purchases which have been acquired under conditional purchase or conditional or homestead lease before the passing of this Act shall not be subject to this provision.

By Mr. HENRIKSON:—
 To follow clause 54—
 The Chairman of a Local Land Board sitting alone shall have power and jurisdiction to do and perform all such matters or things as may be lawfully done or performed by the Local Land Board, except in any case where the prescribed notice is given by a party that the Local Land Board is required to hear thereon; and, except as aforesaid, the decision, order, recommendation or other act of the Chairman shall be deemed to be that of the Local Land Board.

By Mr. KATHE:—
 After clause 49 insert the following new clause—

All improvement purchases which have been forfeited or have lapsed shall (except as hereinafter mentioned) revert and be deemed to have reverted to the leasehold area or area held under occupation in force within which they were situated at the time of such forfeiture or lapsed, and all improvements upon such improvement purchases shall be the property of the leasee or licensee of such leasehold area or area held under occupation license, and the said leasee or licensee shall be entitled to tenant right to such improvements if by this or any existing Land Act tenant right accrues upon such leasehold area or area held under occupation license.

Provided that any lands applied for as improvement purchases which have been acquired under conditional purchase or conditional homestead lease before the passing of this Act shall not be subject to this provision.

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1894-5.

Legislative Council.

CROWN LANDS BILL.

*(Amendment to be proposed in Committee of the Whole by
MR. PILCHER.)*

Page 7, clause 9, line 5. *After "block" insert "be appraised on the
"basis of the value of such improvements to the land
"selected and such appraisement"*

1891-2

Legislative Council

CROWN LANDS BILL

(Amendment to be proposed in Committee of the Whole by
Mr. FLETCHER.)

Page 7, clause B, line 5. After "block" insert "to be appraised on the
"basis of the value of such improvements to the land
"affected and such appraisement."