

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 30, 1908.

An Act to provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures ; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 24th December, 1908.]

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

Preliminary.

1. This Act shall come into force on the first day of February, Short title.
one thousand nine hundred and nine, and may be cited as the
“Crown Lands (Amendment) Act, 1908,” and shall be construed
with the Principal Acts.

Crown Lands (Amendment).

Interpretation.

2. In this Act—

“Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.

“Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, together with the Acts read or construed with or amending the same.

“Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

Conversion of homestead selections or grants.

For conversion of
homestead selection
or grant.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant not liable to forfeiture may convert the same into—

- (a) a conditional purchase lease; or
- (b) a conditional purchase; or
- (c) a conditional purchase and conditional lease, but so that the area comprised in such lease does not exceed three times the area comprised in the conditional purchase.

With any such application for conversion, a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase, as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act: Any balance of the said deposit shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty.

With any application for conversion of a homestead grant there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

Provided that in any such application made in respect of a homestead selection or grant which is subject to a mortgage the mortgagee shall join:

Provided also that a person shall not, except with the permission of the Minister, convert more than one homestead selection or grant under this section.

Confirmation by
board.

(2) Such conversion shall not take effect until confirmed by the board.

Conditions of
tenure.

(3) The conditional purchase lease, or conditional purchase, or conditional purchase and conditional lease shall be subject—

- (a) to any special conditions which attached to the homestead selection or grant; and

(b)

Crown Lands (Amendment).

- (b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant is converted, except that
- (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by the period during which continuous residence has been performed by the applicant upon the homestead selection or grant up to and immediately preceding the date of such confirmation: Provided that the period of any lawful exemption or relaxation shall be reckoned in such term of continuous residence; and
- (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half per centum per annum, has been paid: Provided, however, that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalments, and upon payment of the whole of the purchase money and interest to have issued to him a grant at any time after the other conditions attaching to the conditional purchase have been fulfilled.

(4) The words "homestead selection or grant" in this section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof. Definitions.

4. (1) Upon conversion of a homestead selection or grant into a conditional purchase lease or into a conditional purchase with or without a conditional lease the capital value of the land comprised in the conditional purchase lease for the first ten years thereof, or the price of the land comprised in the conditional purchase, or any additional conditional purchase made out of land comprised in the conditional lease, shall be the capital value upon which the rent of the homestead selection or grant was payable at the date of application for such conversion: Determination of capital value.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after lodgment of such application direct, that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the capital value of a conditional purchase lease for the first ten years period thereof or the price of a conditional purchase or additional conditional purchase:

Provided further that in so determining such value the Board shall exclude the value of any improvements owned by the applicant for

Crown Lands (Amendment).

for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the homestead selection or grant.

If after reference by the Minister the applicant is dissatisfied with the appraisement of the board, he may within one month after such appraisement withdraw his application for conversion upon payment of costs as assessed by the board, and thereupon the surrender of the homestead grant shall be inoperative, and shall be delivered up to the applicant or any person entitled thereto.

(2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

Conversion of settlement leases.

Conversion of
settlement leases.

5. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any settlement lease not liable to forfeiture may convert such lease into a conditional purchase or into a conditional purchase and conditional lease in the manner and subject to the conditions following:—

(a) When, in the opinion of the Board, the land comprised in such settlement lease, together with the area held by the applicant for conversion under any tenure other than annual tenure, does not exceed an area which, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall be into an original conditional purchase or into an original conditional purchase and a conditional lease, such lease not to exceed in area three times the area of the conditional purchase.

(b) When, in the opinion of the Board, the land comprised in the settlement lease together with any land held by the applicant for conversion under any tenure other than annual tenure exceeds such area, the conversion shall be—

(i) as to so much of the land comprised in the lease as the Board determines will not, with the other lands so held by applicant, exceed such area as aforesaid, or as to not less than one-fourth of such area into an original conditional purchase; and

(ii) as to the balance of the land comprised in the settlement lease into a conditional lease.

(c) In no case shall the area to be converted into a conditional purchase or additional conditional purchase be such that the unimproved value thereof exceeds three thousand pounds.

(d)

Conditions necessary
to application.

Crown Lands (Amendment).

- (d) If the applicant is dissatisfied with the determination of the Board as to the area which may be converted into a conditional purchase or additional conditional purchase, or as to the capital value thereof, he may, within one month thereafter, withdraw his application for conversion, upon payment of costs as assessed by the Board.
- (e) In an application for conversion in respect of a settlement lease under mortgage the mortgagee shall join.
- (f) Such conversion shall not take effect until confirmed by the Board. On such confirmation, the settlement lease shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.
- (g) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act.
- (h) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.
- (i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.

(2) The words "settlement lease" in this section mean Definition of settlement lease. and include an original settlement lease and any additional settlement lease held in virtue thereof.

6. Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and conditional lease as aforesaid Conditions upon conversion. any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:—

- (a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.
- (b) The rent payable in respect of any such conditional lease shall for the first ten-year period thereof be at the same rate per acre as was paid in respect of the settlement lease, but shall be subject to appraisalment in respect of each succeeding term of ten years, or portion thereof.
- (c)

Crown Lands (Amendment).

- (c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, and any other land held by the applicant under any tenure other than annual tenure, shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and the area of such original and additional conditional purchases shall not exceed an area of which the unimproved value exceeds three thousand pounds.
- (d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, and any other land held by the applicant under any tenure other than annual tenure, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act.
- (e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

Price of and payment
for conditional
purchase on
conversion.

7. (1) Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within the area of such lease shall be—

- (a) the capital value of the land comprised in the settlement lease as may have been determined by the Board, or, if not so determined, such capital value as may have been notified in the Gazette notice setting apart the land for settlement lease; or
- (b) if not so determined or notified, or if the Minister or the applicant is dissatisfied with the value as so determined or notified, such sum as the Minister and the applicant for conversion agree to, or, failing such agreement within the time prescribed, such sum as shall be determined by the Board, subject to the provisions of section six of the Crown Lands Act of 1889, on reference by the Minister, or on application by the applicant for conversion :

Provided

Crown Lands (Amendment).

Provided further that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease.

(2) The balance of the purchase money shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid. Payment of balance of purchase money.

8. The term of residence in respect of any conditional purchase or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid shall be ten years, but such term of residence shall be reduced by the period of continuous residence performed by the applicant up to and immediately preceding the date of confirmation. The residence term shall commence on the date of the Board's confirmation of the conversion. Residence and suspension of residence.

9. If the land comprised in a settlement lease has been reserved either wholly or in part from sale such reserved land shall not be convertible into a conditional purchase unless and until such reservation is revoked. Reserved land.

Conversion of non-residential conditional purchases.

10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase made under section forty-seven of the Crown Lands Act of 1884 not liable to forfeiture may on application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the Principal Acts relating thereto: Conversion of non-residential conditional purchase into original conditional purchase.

Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder up to and immediately preceding his application for such conversion.

(2) All moneys paid on account of purchase money in respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid. Payment of price.

If

Crown Lands (Amendment).

If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

Conversion of certain special leases and certain church and school lands leases.

11. (1) Notwithstanding anything contained in the Principal Acts or the regulations thereunder, the registered holder of any special lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-cane growing, tanks, tobacco-growing, or water conservation, or of any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—

- (a) a conditional purchase lease or an additional conditional purchase lease ; or,
- (b) a conditional purchase or an additional conditional purchase ; or,
- (c) a homestead selection or an additional homestead selection ; or,
- (d) a settlement lease or an additional settlement lease ; or
- (e) a conditional lease.

(2) Provided that—

- (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines ;
- (b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area ;
- (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for.

Limitations to conversion.

Application.

(3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for inquiry and report.

(4) If the land is wholly or in part within a travelling stock reserve, a camping reserve, or a water reserve, particulars of the application and of the time and place appointed for the Board's inquiry shall be notified in the Gazette, and attention shall be invited thereto by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry.

Grant of application.

(5) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board deems

Crown Lands (Amendment).

deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, subject to the provisions of section six of the Crown Lands Act of 1889.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

(6) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section. Deposit to be paid.

(7) Such conditional purchase lease, or additional conditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection, or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to the general provisions of the Principal Acts in respect thereto, except that— Conditions.

(a) the term of residence which shall commence within three months after the date of the Minister's approval of the conversion shall be reduced by the period during which continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or upon the holding in virtue of which the special lease or church and school lands lease has been converted into an additional holding or conditional lease;

(b) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

(8) Upon approval by the Minister of any conversion under this section the capital value of the land comprised in the conditional purchase lease, or the additional conditional purchase lease, or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional conditional purchase, shall be that determined by the Board as aforesaid. Price and rent.

General

*Crown Lands (Amendment).**General provisions relating to conversions.*Surrender of
conditional leases.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease.

Savings.

13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act.

*Surrender of improvement and scrub leases.*Advisory board to
report as to
improvements and
scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him—

- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.

Power of entry and
inspection.

(2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.

Notification of
surrender of lease.

15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to approval by resolutions of both Houses of Parliament. After such notification the owner may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period, and upon such conditions as may be agreed upon.

16.

Crown Lands (Amendment).

16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such compensation to be determined by a court as hereinafter provided.

Compensation payable to lessee.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final.

Determination of compensation by court.

(3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly—

Measure of compensation.

(a) the improvements in respect of which the lessee has or has not tenant right;

(b) any right of the Minister to withdraw the whole or any part of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land.

17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings in relation thereto.

Application of sections of Closer Settlement Act, 1904.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette.

Disposal of land.

Special conditional purchase leases.

19. (1) The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification: Provided that lands shall not be so set apart until they have for a period of at least six months been available for some class of residential holding under the Principal Acts. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, whether as to the whole or any part thereof, by notification by the Minister in the Gazette.

Special conditional purchase leases.

Crown Lands (Amendment).

Application.

(2) Any person having the qualifications specified in section fourteen of the Crown Lands Amendment Act of 1905 may, after the date specified by the Minister as aforesaid, apply for a special conditional purchase lease of any area not less than twenty and not exceeding three hundred and twenty acres of land so set apart: Provided that in the event of any conflicting applications being received, whether original or additional, the board shall determine the order of priority in accordance with section twenty-eight of the Crown Lands Amendment Act of 1905.

Deposit

(3) A deposit of rental at the rate of sixpence per acre shall be made with the application, and a survey fee shall be paid as prescribed for conditional purchase leases under section thirteen of the Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design thereof shall be as approved by the Minister.

Conditions.

20. Special conditional purchase leases shall not be subject to any condition of residence, but shall be subject to any regulations made under this Act and to the provisions and conditions of conditional purchase leases as prescribed by the Crown Lands Amendment Act of 1905 and any Act amending the same, and shall also be subject to the following conditions:—

- (a) The applicant shall effect substantial improvements on the land to a value of one pound per acre or such lesser value as the Minister may deem sufficient not being less than ten shillings per acre; and
- (b) Such improvements shall be completed within three years from date of confirmation of the application.

Capital value.

21. The capital value for the first period of ten years shall be appraised by the Board, after survey, according to the capabilities and situation of the land the timber thereon and the means of access thereto. For each succeeding period of ten years the board shall determine the capital value on a similar basis.

*Additional conditional purchase leases.*Additional
conditional purchase
leases may be made

22. (1) Any holder of a conditional purchase lease, whether applied for before or after the commencement of this Act, or of any conditional purchase, being a conversion before or after such commencement of a conditional purchase lease, may make additional conditional purchase leases or additional conditional purchases, as the case may be, of Crown lands (other than lands exempt from conditional purchase, or within areas set apart for a different class of holding) adjoining the original or any prior additional conditional purchase lease or conditional purchase, or within areas set apart under section four of the Crown Lands Act Amendment Act of 1905 for that class of additional holding: Provided

Crown Lands (Amendment).

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

(2) A condition of ten years' residence shall attach to every additional conditional purchase lease or additional conditional purchase under this section.

Provided that—

(a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence; but if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires.

(b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series.

(3) The provisions of the Principal Acts relating to original conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, mutatis mutandis, be applied to any additional conditional purchase lease or additional conditional purchase under this section.

Application of
Principal Acts.

(4) Original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase leases) of the same series shall be deemed to be one holding and shall not be transferred apart or held separately.

Transfers.

Residential lease.

23. (1) The holder of any residential lease including any additional residential lease may at any time after the first five years of his lease apply to purchase the land held thereunder.

Purchase of land
comprised in
residential lease.

(2) Application shall be made as prescribed accompanied by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to the Board for inquiry and report.

Application.

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend

recommend

Crown Lands (Amendment).

recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

Price and payment
of purchase money.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

Only one purchase
may be held.

(4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Restriction of transfer.

Limitation of
transfer of con-
ditional purchase
leases and settlement
leases.

24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Where a settlement lease, issued before or after the commencement of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

Limitation of transfer
of conditional purchase
leases, special condi-
tional purchase leases,
conditional purchases,
homestead selections,
and settlement leases,
and subdivisions of
same.

25. (1) Notwithstanding anything to the contrary in the Principal Acts—

- (a) an original conditional purchase (other than an original conditional purchase into which a conditional purchase lease applied for prior to the commencement of this Act may be converted); or
- (b)

Crown Lands (Amendment).

- (b) a conditional purchase lease ; or
- (c) a special conditional purchase lease ; or
- (d) a homestead selection ; or
- (e) a settlement lease,

applied for after the commencement of this Act, or any additional holding held in virtue thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or settlement lease, being a subdivision made under this Act, shall not be transferable, except by way of mortgage only,—

- (a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by transfer, will, in the opinion of the Minister, exceed a home maintenance area ; or
- (b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that the area already held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.

(2) Application for permission to transfer, by way of sale, Application. mortgage, lease, or otherwise, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected, or if effected shall not be valid, unless the Minister's consent thereto has been obtained. The Minister shall have discretion to give or refuse such consent, and shall not refuse consent unless he has referred the matter to the board, and the board or the Land Appeal Court recommends that such consent should not be given.

(3) When any such conditional purchase or conditional Residence. purchase lease, or any additional holding held in virtue thereof, is transferred (except by way of mortgage), the transferee shall, within three months after the Minister's consent to the transfer has been obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding ; and the fact that residence by any former holder or transferee had been previously performed in respect of the said land shall not relieve the transferee from the fulfilment of the two years' residence as herein provided :

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family, and the Minister may consent to a transfer of the land under this section before the expiration of the said period of residence.

Nothing

Crown Lands (Amendment).

Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before the completion of the ten years' residence attaching thereto.

When mortgagee
goes into possession.

(4) If any such purchase, lease, selection, or holding is mortgaged, and the mortgagee enters into possession of the same under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid, or for such further period as the Minister may permit.

But the mortgagee shall not, notwithstanding the terms of his mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Minister.

Such mortgagee shall not foreclose the mortgage except with the consent of the Minister. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions of subsection two of this section shall apply thereto.

Such mortgagee shall not transfer the land except in accordance with this section.

If within such period the mortgagee does not obtain the certificate of the Minister to a foreclosure, or does not transfer the purchase, lease, selection, or holding in accordance with this section, the same shall be liable to forfeiture, and, on notification by the Minister in the Gazette, may be forfeited, and thereupon shall revert to the Crown.

A foreclosure or transfer in contravention of this section shall be void.

The fact that the mortgagee, or some person by his authority, occupies or uses any part of the mortgaged land shall be prima facie evidence that the mortgagee has entered into possession of the land under the mortgage.

Devolution on death.

(5) If any such purchase, lease, selection, or holding devolves under a will or on intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may nevertheless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit.

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section to be a transferee as aforesaid, receive from the Minister a certificate to that effect, which shall entitle him to hold such purchase, lease, selection, or holding; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or holding:

Provided

Crown Lands (Amendment).

Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

(6) No transfer or conveyance or assignment in contra-^{Transfer, &c., void.} vention of the provisions of this section shall be valid for any purposes whatsoever.

(7) The provisions of this section are extended so as to^{Application of section.} apply to any such original or additional conditional purchase or original or additional homestead selection, whether a grant in respect of the same has or has not issued :

Provided that nothing in this section shall apply to any additional conditional purchase taken up by virtue of a conditional lease held at the commencement of this Act.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is^{Subdivision of conditional purchase.} repealed, and the following is substituted for it:—

34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

The application shall be made as prescribed, accompanied by the prescribed deposit, to be available for the payment of the costs of any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision thereof shall be attached.

The Minister may modify or refuse any application under this section.

Crown Lands (Amendment).

After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and a new certificate issued for each part.

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional purchase, and may be separately transferred to a qualified person: But the holder of any such portion shall not be entitled to apply for an additional conditional purchase in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the Minister's permission in writing.

Subdivision of homestead selections, settlement leases, and conditional purchase leases.

27. Subject to regulations to be made hereunder, the holder of any homestead selection or settlement lease or conditional purchase lease who desires to transfer a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the payment of the costs of any survey or reports which may be required. The applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement or conditional purchase lessee thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and may modify or refuse any application under this section.

After subdivision, the homestead selector or settlement or conditional purchase lessee shall surrender the grant (if issued) or the lease for the homestead selection or the settlement lease or conditional purchase lease, as the case may be, and separate grants or leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each part shall be capable of separate transfer to any qualified person, and, subject to the right of conversion under this Act, shall continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same conditions as if each were a separate homestead selection or settlement lease or conditional purchase lease: Provided that the holder of any such part shall not be entitled to apply for an additional homestead selection or an additional settlement lease or an additional conditional purchase lease in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease or conditional purchase lease unless he has previously obtained the Minister's permission in writing.

Removal

Crown Lands (Amendment).

Removal of timber.

28. No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884.

Removal of timber from conditional purchases and homestead selections.

The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

29. Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available, and the land may thereupon, or at any time thereafter, be sold or otherwise dealt with under the Crown Lands Acts.

Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within three years after the commencement of this Act.

Volunteer land order claim to grant.

All applications for grants of land in virtue of volunteer land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and references in respect of any determination of a Board under this section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension

Crown Lands (Amendment).

Suspension or remission of conditions.

Suspension of
performance of
conditions.

31. If the person entitled to any holding under the Crown Lands Acts is or has been prevented by sickness of himself or family or other adverse circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed in any such village or town.

The non-performance or breach of any condition so imposed by the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

Annual payments
on conditional
purchases on
appraisement.

32. Notwithstanding anything to the contrary in subsection four of section one of the Crown Lands (Amendment) Act, 1899, or section nine of the Appraisement Act, 1902, where on application for appraisement under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Additional settlement leases.

Term and
appraisement of
rentals of additional
settlement leases.

33. The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held.

Where any appraisement is made of the rental of the original settlement lease, an appraisement shall at the same time be also made of the rental of any such additional settlement lease.

Addition of areas to holding, or to lease or license.

Addition of remnant
areas to conditional
purchase or
homestead selection.

34. Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister, on the recommendation of the local land board, be made, and the grant for the purchase or selection may include

Crown Lands (Amendment).

include such additional land, notwithstanding that the land added may increase the area of such purchase or selection beyond the maximum prescribed by law.

Payment for the added land shall be made at the same rate as is paid for the purchase or selection, or at the rate fixed by the Board on reference by the Minister.

Where, prior to the commencement of this Act, such an addition has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

35. Where vacant Crown land adjoins, is adjacent to, or is within the external boundaries of any lease or license, and the lessee or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may, by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law.

Addition of vacant land to lease or license.

The Board shall, in accordance with section six of the Crown Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to any lease or license of the same.

Exchange of holdings.

36. The following provisions are substituted for subsections two and three of section eleven of the Crown Lands Act Amendment Act 1903:—

Exchange of holdings.

(2) Notwithstanding anything to the contrary in the Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their holdings or portions thereof: Provided that an exchange of portion of a holding may be permitted if the portions exchanged will, in the opinion of the Board, be within a reasonable working distance of the holdings to which they are to be attached.

(3) The condition of residence attaching to any portion of a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits for conditional purchases.

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional purchase or an additional conditional purchase (other than a non-residential conditional purchase), shall be at the rate of five per centum of the price of the land applied for.

Amount of deposit on conditional purchase.

The

Crown Lands (Amendment).

The survey fees chargeable on all conditional purchases, conditional leases, homestead selections, settlement leases, and conditional purchase leases, applied for after the commencement of this Act shall (unless the holder desires to pay the fee sooner) be paid in ten equal yearly instalments, with interest at the rate of four per centum per annum on the amount unpaid. Payment of the first of such instalments shall be made with the application :

Provided that an applicant shall not be required to pay a survey fee in respect of any land in connection with which a previous holder had paid such fee.

Improvements.

Tenant-right in
improvement leases.

38. Notwithstanding anything to the contrary in the Crown Lands Act of 1895, a condition in any improvement lease (whether executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

Improvements in
surrendered lands
added to adjoining
holdings.

39. Where any surrendered lands are, before or after the commencement of this Act, added to any adjoining holdings under section forty-seven of the Crown Lands Act of 1895, with a condition that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Appraisalment of rent of conditional leases.

Appraisalment of
rent of conditional
lease.

40. (1) Notwithstanding anything to the contrary in section thirty-five of the Crown Lands Act of 1895, an application by any conditional lessee, or a reference by the Minister, made prior to the commencement of this Act, to have the rent for the term following the first fifteen years period of any conditional lease determined in accordance with the provisions of section six of the Crown Lands Act of 1889, shall not be invalid by reason only that such application or reference was not made within twelve months after the expiration of the said first period of the lease.

(2) But any application or reference as aforesaid made after the commencement of this Act shall be made within twelve months after the expiration of the said first period of the lease.

(3) Provided that if in any case the rent has not, before or after such commencement, been determined within twelve months after the expiration of the said first period of the lease, it shall, until such determination, be deemed to have been and to be payable at the same rate as was paid for the said first period.

Fencing.

Crown Lands (Amendment).

Fencing.

41. In section one hundred and forty-one of the Crown Lands Act of 1884 the word "lease" in the expression "conditional purchase, or lease, or a homestead lease" shall include and be deemed to have included any lease other than an annual lease. Amendment of s. 141 of Crown Lands Act of 1884.

The same section is also amended by omitting the words "between conditional purchasers and contributories" and inserting in place thereof the words "under this section."

Amendment of Acts.

42. The several additions, alterations, substitutions, and omissions set out in the Schedule hereto shall be made in the sections and subsections of the Acts mentioned in such Schedule. Amendments specified in Schedule.

Regulations.

43. For the purposes of this Act, the Governor may make regulations prescribing the mode of procedure in connection with any application under this Act, and any conditions to be attached to and under which the subject of any such application may be given effect to and completed; also for the purpose of carrying this Act into full effect generally. Regulations.

44. All regulations so made shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session.

Regulations to be published.

But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Application of Act.

45. This Act shall apply only to the Central and Eastern Divisions of the State. Application.

SCHEDULE.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."
Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.
Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"
Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"
Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.
Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"
Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.
Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"
Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"
Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1884.	96	The words "or license" are added after the word "lease" wherever occurring in the section.
Crown Lands Act of 1884.	98	The words "or license fee" are added after the word "rent" wherever occurring in the section.
	subsec. (iii)	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
Crown Lands Act of 1884.	101	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	136	The words "reserved from sale or lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
Crown Lands Act of 1889.	4	"Minister" is substituted for "Governor" in the definition of "scrub."
Crown Lands Act of 1889.	13	The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted. The following words—"he may with applicant's written consent cause the land to be measured in a modified form and the land the subject of such modification shall be unavailable for any other application. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
Crown Lands Act of 1889.	14	The words "Where a declaration or consent required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration or consent to be furnished" are inserted after the word "requirements."
Crown Lands Act of 1889.	18	The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
Crown Lands Act of 1889.	25	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor. The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
Crown Lands Act of 1889.	26	The words "a conditional purchase" are inserted after the words "any applicant for"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1889.	26	The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.
Crown Lands Act of 1889.	27	The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.
Crown Lands Act of 1889.	33	The words "at the discretion of the District Surveyor or" are inserted after the words "such portion may"
		The words "(subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board"
Crown Lands Act of 1889.	35 subsec. (ii)	The words "gazettal thereof" are substituted for the words "allotment or approval by the Board"
		The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
Crown Lands Act of 1889.	37	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph.
Crown Lands Act of 1889.	39	"Minister" is substituted for "Governor"
		The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may, after report by the Board, permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
Crown Lands Act of 1889.	44	The words "or any other person" are inserted after the words "by the owner of such improvements"
Crown Lands Act of 1889.	48	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	13 subsec. (i)	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
	13 subsec. (ii)	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph :—"Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow : Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
Crown Lands Act of 1895.	25	The word "instalment" is omitted and the word "amount" substituted.
	subsec. (b)	
	subsec. (d)	The words "Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act" are inserted at the end of the subsection.
	subsec. (f)	The words "The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for" are inserted at the end of the subsection.
Crown Lands Act of 1895.	27	The following words are added at the end of the section :—"Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection.
Crown Lands Act of 1895.	30	The words "up to and immediately" are inserted after the word "has"
	subsec. (a)	The words "of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires" are substituted for the words "during which residence was previously carried on but not so as in any case to be reduced to less than five years"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	40	The words "special conditional purchase leases" are added after the words "conditional purchase leases"
Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
Crown Lands Act of 1895.	40	The words "in respect of a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
Crown Lands Act of 1895.	41	The words "or holds under any tenure other than annual tenure" are added after the word "owns" The words "or held under any such tenure" are added after the word "owned" The words "lands granted in fee-simple or conditionally purchased or conditionally leased from the Crown shall alone be taken into account" are omitted, and the words "the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area" are substituted therefor.
Crown Lands Act of 1895.	43 subsec. (b)	"Minister" is substituted for "Governor." The words "The allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."
Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest." The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
Crown Lands Act of 1895.	60	The words "or an incapable person" are added after the words "insane patient"
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.
Appraisement Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
Appraisement Act, 1902.	5	The following is inserted at the end of subsection one : "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board." The following is added at the end of subsection two :—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
Appraisement Act, 1902.	10	The words "Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
Appraisement Act, 1902.	11	The words "to such purchase or lease" are omitted.
Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer provided that a reappraisement shall take place upon transfer in all cases where an appraisement has not taken place within three years previously" are inserted before the word "Provided." The word "also" is added after the second word "provided"
Crown Lands Act Amendment Act of 1903.	11 subsec. (1)	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act Amendment Act of 1903.	14	<p>In the second paragraph the word "one" before the word "holder" is omitted.</p> <p>The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve and only" are inserted after the word "only" in the expression "and shall apply only in cases where"</p> <p>The words "the passing of this Act" are substituted for the words "such date"</p> <p>The following words are inserted after the word "series":— "Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"</p>
Crown Lands Act Amendment Act of 1903.	15	<p>In the last paragraph the word "also" is inserted before the words "that the Board"</p> <p>The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"</p>
Crown Lands Act Amendment Act of 1903.	17	<p>The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.</p>
Crown Lands Act Amendment Act of 1903.	23	<p>The words "held by him on the first day of January one thousand nine hundred and three" are omitted.</p> <p>The words "a lease under improvement conditions" are substituted for the words "an improvement lease"</p> <p>The word "ten" is substituted for the word "seven"</p>
Crown Lands Act Amendment Act of 1903.	30	<p>The words "the passing of this Act" are omitted.</p>
Crown Lands Act Amendment Act of 1903.	33	<p>The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"</p>
Crown Lands Act Amendment Act of 1905.	4	<p>A new paragraph in the following words:—" (e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."</p>

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section :—“(4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification.”
Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph “(d) conditional purchase lease” is inserted after paragraph (c), and the words “or applicant for” are inserted next after the expression “the holder of” wherever occurring in the subsection. Subsection (2) is repealed, and the following substituted :— “No application for an additional conditional purchase, additional conditional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of.”
Crown Lands Amendment Act of 1905.	7	In subsection (4) the words “or conditional purchase lease” are inserted after the words “settlement lease.” The words “on any question as to” after the word “section” and the whole of subsections (1) (2) (3) (4) and (5) and the words “a decision of the Board on any of the foregoing questions” are omitted. The word “it” is inserted after the word “refer”
Crown Lands Amendment Act of 1905.	8	In the last sentence the word “Minister” is substituted for the word “Board” and the words “by notice in the Gazette” are inserted between the words “may” and “attach,” and the words “of the prescribed” are omitted.
Crown Lands Amendment Act of 1905.	9	The words “or conditional purchase leases” are inserted after the words “homestead selections,” and the words “or conditional purchase lease” are inserted after the words “homestead selection,” wherever appearing in the section.
Crown Lands Amendment Act of 1905.	10	In paragraph (a) the words “and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon are omitted and the words “of such areas as the Minister may determine” substituted.

Act No. 30, 1908.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Amendment Act of 1905.	14	The words "and is not the holder of any land except— (a) town or suburban land as defined by the Principal Acts; or (b) land held as a tenant from a private holder" are omitted, and the words "or under the provisions of section forty-one of the Crown Lands Act of 1895 as amended by the Crown Lands (Amendment) Act, 1908," are substituted therefor.
Crown Lands Amendment Act of 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."

By Authority: WILLIAM APPLGATE GULLICK, Government Printer, Sydney, 1909.

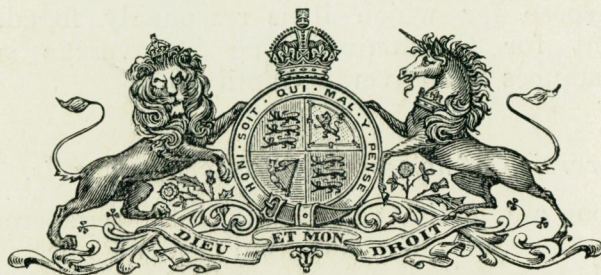
[1s. 6d.]

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.

*Legislative Assembly Chamber,
Sydney, 17 December, 1908, A.M. }*

*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. 30, 1908.

An Act to provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 24th December, 1908.]

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

Preliminary.

1. This Act shall come into force on the first day of February, Short title. one thousand nine hundred and nine, and may be cited as the "Crown Lands (Amendment) Act, 1908," and shall be construed with the Principal Acts.

2.

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

*JOHN J. COHEN,
Chairman of Committees of the Legislative Assembly.*

Crown Lands (Amendment).

Interpretation.

2. In this Act—

- “Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.
- “Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, together with the Acts read or construed with or amending the same.
- “Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

Conversion of homestead selections or grants.

For conversion of homestead selection or grant.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant not liable to forfeiture may convert the same into—

- (a) a conditional purchase lease; or
- (b) a conditional purchase; or
- (c) a conditional purchase and conditional lease, but so that the area comprised in such lease does not exceed three times the area comprised in the conditional purchase.

With any such application for conversion, a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase, as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act: Any balance of the said deposit shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty.

With any application for conversion of a homestead grant there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

Provided that in any such application made in respect of a homestead selection or grant which is subject to a mortgage the mortgagee shall join:

Provided also that a person shall not, except with the permission of the Minister, convert more than one homestead selection or grant under this section.

Confirmation by board.

(2) Such conversion shall not take effect until confirmed by the board.

Conditions of tenure.

(3) The conditional purchase lease, or conditional purchase, or conditional purchase and conditional lease shall be subject—

- (a) to any special conditions which attached to the homestead selection or grant; and

(b)

Crown Lands (Amendment).

- (b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant is converted, except that
- (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by the period during which continuous residence has been performed by the applicant upon the homestead selection or grant up to and immediately preceding the date of such confirmation: Provided that the period of any lawful exemption or relaxation shall be reckoned in such term of continuous residence; and
- (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half per centum per annum, has been paid: Provided, however, that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalments, and upon payment of the whole of the purchase money and interest to have issued to him a grant at any time after the other conditions attaching to the conditional purchase have been fulfilled.

(4) The words "homestead selection or grant" in this section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof. Definitions.

4. (1) Upon conversion of a homestead selection or grant into a conditional purchase lease or into a conditional purchase with or without a conditional lease the capital value of the land comprised in the conditional purchase lease for the first ten years thereof, or the price of the land comprised in the conditional purchase, or any additional conditional purchase made out of land comprised in the conditional lease, shall be the capital value upon which the rent of the homestead selection or grant was payable at the date of application for such conversion: Determination of capital value.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after lodgment of such application direct, that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the capital value of a conditional purchase lease for the first ten years period thereof or the price of a conditional purchase or additional conditional purchase:

Provided further that in so determining such value the Board shall exclude the value of any improvements owned by the applicant for

Crown Lands (Amendment).

for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the homestead selection or grant.

If after reference by the Minister the applicant is dissatisfied with the appraisalment of the board, he may within one month after such appraisalment withdraw his application for conversion upon payment of costs as assessed by the board, and thereupon the surrender of the homestead grant shall be inoperative, and shall be delivered up to the applicant or any person entitled thereto.

(2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

Conversion of settlement leases.

Conversion of
settlement leases.

5. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any settlement lease not liable to forfeiture may convert such lease into a conditional purchase or into a conditional purchase and conditional lease in the manner and subject to the conditions following :—

(a) When, in the opinion of the Board, the land comprised in such settlement lease, together with the area held by the applicant for conversion under any tenure other than annual tenure, does not exceed an area which, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall be into an original conditional purchase or into an original conditional purchase and a conditional lease, such lease not to exceed in area three times the area of the conditional purchase.

(b) When, in the opinion of the Board, the land comprised in the settlement lease together with any land held by the applicant for conversion under any tenure other than annual tenure exceeds such area, the conversion shall be—

(i) as to so much of the land comprised in the lease as the Board determines will not, with the other lands so held by applicant, exceed such area as aforesaid, or as to not less than one-fourth of such area into an original conditional purchase; and

(ii) as to the balance of the land comprised in the settlement lease into a conditional lease.

(c) In no case shall the area to be converted into a conditional purchase or additional conditional purchase be such that the unimproved value thereof exceeds three thousand pounds.

(d)

Conditions necessary
to application.

Crown Lands (Amendment).

- (d) If the applicant is dissatisfied with the determination of the Board as to the area which may be converted into a conditional purchase or additional conditional purchase, or as to the capital value thereof, he may, within one month thereafter, withdraw his application for conversion, upon payment of costs as assessed by the Board.
- (e) In an application for conversion in respect of a settlement lease under mortgage the mortgagee shall join.
- (f) Such conversion shall not take effect until confirmed by the Board. On such confirmation, the settlement lease shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.
- (g) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act.
- (h) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.
- (i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.

(2) The words "settlement lease" in this section mean Definition of settlement lease. and include an original settlement lease and any additional settlement lease held in virtue thereof.

6. Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and conditional lease as aforesaid Conditions upon conversion. any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:—

- (a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.
- (b) The rent payable in respect of any such conditional lease shall for the first ten-year period thereof be at the same rate per acre as was paid in respect of the settlement lease, but shall be subject to appraisalment in respect of each succeeding term of ten years, or portion thereof.
- (c)

Crown Lands (Amendment).

- (c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, and any other land held by the applicant under any tenure other than annual tenure, shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and the area of such original and additional conditional purchases shall not exceed an area of which the unimproved value exceeds three thousand pounds.
- (d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, and any other land held by the applicant under any tenure other than annual tenure, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act.
- (e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

Price of and payment
for conditional
purchase on
conversion.

7. (1) Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within the area of such lease shall be—

- (a) the capital value of the land comprised in the settlement lease as may have been determined by the Board, or, if not so determined, such capital value as may have been notified in the Gazette notice setting apart the land for settlement lease; or
- (b) if not so determined or notified, or if the Minister or the applicant is dissatisfied with the value as so determined or notified, such sum as the Minister and the applicant for conversion agree to, or, failing such agreement within the time prescribed, such sum as shall be determined by the Board, subject to the provisions of section six of the Crown Lands Act of 1889, on reference by the Minister, or on application by the applicant for conversion.

Provided

Crown Lands (Amendment).

Provided further that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease.

(2) The balance of the purchase money shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid. Payment of balance of purchase money.

8. The term of residence in respect of any conditional purchase or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid shall be ten years, but such term of residence shall be reduced by the period of continuous residence performed by the applicant up to and immediately preceding the date of confirmation. The residence term shall commence on the date of the Board's confirmation of the conversion. Residence and suspension of residence.

9. If the land comprised in a settlement lease has been reserved either wholly or in part from sale such reserved land shall not be convertible into a conditional purchase unless and until such reservation is revoked. Reserved land.

Conversion of non-residential conditional purchases.

10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase made under section forty-seven of the Crown Lands Act of 1884 not liable to forfeiture may on application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the Principal Acts relating thereto: Conversion of non-residential conditional purchase into original conditional purchase.

Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder up to and immediately preceding his application for such conversion.

(2) All moneys paid on account of purchase money in respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid. Payment of price.

If

Crown Lands (Amendment).

If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

Conversion of certain special leases and certain church and school lands leases.

11. (1) Notwithstanding anything contained in the Principal Acts or the regulations thereunder, the registered holder of any special lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-cane growing, tanks, tobacco-growing, or water conservation, or of any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—

- (a) a conditional purchase lease or an additional conditional purchase lease ; or,
- (b) a conditional purchase or an additional conditional purchase ; or,
- (c) a homestead selection or an additional homestead selection ; or,
- (d) a settlement lease or an additional settlement lease ; or
- (e) a conditional lease.

(2) Provided that—

- (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines ;
- (b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area ;
- (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for.

Limitations to conversion.

Application.

(3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for inquiry and report.

(4) If the land is wholly or in part within a travelling stock reserve, a camping reserve, or a water reserve, particulars of the application and of the time and place appointed for the Board's inquiry shall be notified in the Gazette, and attention shall be invited thereto by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry.

Grant of application.

(5) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board deems

Crown Lands (Amendment).

deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, subject to the provisions of section six of the Crown Lands Act of 1889.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

(6) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section. Deposit to be paid.

(7) Such conditional purchase lease, or additional conditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection, or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to the general provisions of the Principal Acts in respect thereto, except that— Conditions.

(a) the term of residence which shall commence within three months after the date of the Minister's approval of the conversion shall be reduced by the period during which continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or upon the holding in virtue of which the special lease or church and school lands lease has been converted into an additional holding or conditional lease;

(b) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

(8) Upon approval by the Minister of any conversion under this section the capital value of the land comprised in the conditional purchase lease, or the additional conditional purchase lease, or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional conditional purchase, shall be that determined by the Board as aforesaid. Price and rent.

General

*Crown Lands (Amendment).**General provisions relating to conversions.*

Surrender of
conditional leases.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease.

Savings.

13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act.

Surrender of improvement and scrub leases.

Advisory board to
report as to
improvements and
scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him—

- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.

Power of entry and
inspection.

(2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.

Notification of
surrender of lease.

15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to approval by resolutions of both Houses of Parliament. After such notification the owner may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period, and upon such conditions as may be agreed upon.

Crown Lands (Amendment).

16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such compensation to be determined by a court as hereinafter provided.

Compensation payable to lessee.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final.

Determination of compensation by court.

(3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly—

Measure of compensation.

(a) the improvements in respect of which the lessee has or has not tenant right;

(b) any right of the Minister to withdraw the whole or any part of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land.

17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings in relation thereto.

Application of sections of Closer Settlement Act, 1904.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette.

Disposal of land.

Special conditional purchase leases.

19. (1) The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification: Provided that lands shall not be so set apart until they have for a period of at least six months been available for some class of residential holding under the Principal Acts. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, whether as to the whole or any part thereof, by notification by the Minister in the Gazette.

Special conditional purchase leases.

Crown Lands (Amendment).

Application.

(2) Any person having the qualifications specified in section fourteen of the Crown Lands Amendment Act of 1905 may, after the date specified by the Minister as aforesaid, apply for a special conditional purchase lease of any area not less than twenty and not exceeding three hundred and twenty acres of land so set apart: Provided that in the event of any conflicting applications being received, whether original or additional, the board shall determine the order of priority in accordance with section twenty-eight of the Crown Lands Amendment Act of 1905.

Deposit.

(3) A deposit of rental at the rate of sixpence per acre shall be made with the application, and a survey fee shall be paid as prescribed for conditional purchase leases under section thirteen of the Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design thereof shall be as approved by the Minister.

Conditions.

20. Special conditional purchase leases shall not be subject to any condition of residence, but shall be subject to any regulations made under this Act and to the provisions and conditions of conditional purchase leases as prescribed by the Crown Lands Amendment Act of 1905 and any Act amending the same, and shall also be subject to the following conditions:—

(a) The applicant shall effect substantial improvements on the land to a value of one pound per acre or such lesser value as the Minister may deem sufficient not being less than ten shillings per acre; and

(b) Such improvements shall be completed within three years from date of confirmation of the application.

Capital value.

21. The capital value for the first period of ten years shall be appraised by the Board, after survey, according to the capabilities and situation of the land the timber thereon and the means of access thereto. For each succeeding period of ten years the board shall determine the capital value on a similar basis.

Additional conditional purchase leases.

Additional conditional purchase leases may be made

22. (1) Any holder of a conditional purchase lease, whether applied for before or after the commencement of this Act, or of any conditional purchase, being a conversion before or after such commencement of a conditional purchase lease, may make additional conditional purchase leases or additional conditional purchases, as the case may be, of Crown lands (other than lands exempt from conditional purchase, or within areas set apart for a different class of holding) adjoining the original or any prior additional conditional purchase lease or conditional purchase, or within areas set apart under section four of the Crown Lands Act Amendment Act of 1905 for that class of additional holding :
Provided

Crown Lands (Amendment).

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

(2) A condition of ten years' residence shall attach to every additional conditional purchase lease or additional conditional purchase under this section. Conditions.

Provided that—

(a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence; but if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires.

(b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series.

(3) The provisions of the Principal Acts relating to original conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, mutatis mutandis, be applied to any additional conditional purchase lease or additional conditional purchase under this section. Application of
Principal Acts.

(4) Original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase leases) of the same series shall be deemed to be one holding and shall not be transferred apart or held separately. Transfers.

Residential lease.

23. (1) The holder of any residential lease including any additional residential lease may at any time after the first five years of his lease apply to purchase the land held thereunder. Purchase of land
comprised in
residential lease.

(2) Application shall be made as prescribed accompanied by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to the Board for inquiry and report. Application.

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend

Crown Lands (Amendment).

recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

Price and payment
of purchase money.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

Only one purchase
may be held.

(4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Restriction of transfer.

Limitation of
transfer of con-
ditional purchase
leases and settlement
leases.

24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Where a settlement lease, issued before or after the commencement of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

Limitation of transfer
of conditional purchase
leases, special condi-
tional purchase leases,
conditional purchases,
homestead selections,
and settlement leases,
and subdivisions of
same.

25. (1) Notwithstanding anything to the contrary in the Principal Acts—

- (a) an original conditional purchase (other than an original conditional purchase into which a conditional purchase lease applied for prior to the commencement of this Act may be converted); or
- (b)

Crown Lands (Amendment).

- (b) a conditional purchase lease ; or
- (c) a special conditional purchase lease ; or
- (d) a homestead selection ; or
- (e) a settlement lease,

applied for after the commencement of this Act, or any additional holding held in virtue thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or settlement lease, being a subdivision made under this Act, shall not be transferable, except by way of mortgage only,—

- (a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by transfer, will, in the opinion of the Minister, exceed a home maintenance area ; or
- (b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that the area already held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.

(2) Application for permission to transfer, by way of sale, Application. mortgage, lease, or otherwise, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected, or if effected shall not be valid, unless the Minister's consent thereto has been obtained. The Minister shall have discretion to give or refuse such consent, and shall not refuse consent unless he has referred the matter to the board, and the board or the Land Appeal Court recommends that such consent should not be given.

(3) When any such conditional purchase or conditional Residence. purchase lease, or any additional holding held in virtue thereof, is transferred (except by way of mortgage), the transferee shall, within three months after the Minister's consent to the transfer has been obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding ; and the fact that residence by any former holder or transferee had been previously performed in respect of the said land shall not relieve the transferee from the fulfilment of the two years' residence as herein provided :

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family, and the Minister may consent to a transfer of the land under this section before the expiration of the said period of residence.

Nothing

Crown Lands (Amendment).

Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before the completion of the ten years' residence attaching thereto.

When mortgagee
goes into possession.

(4) If any such purchase, lease, selection, or holding is mortgaged, and the mortgagee enters into possession of the same under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid, or for such further period as the Minister may permit.

But the mortgagee shall not, notwithstanding the terms of his mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Minister.

Such mortgagee shall not foreclose the mortgage except with the consent of the Minister. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions of subsection two of this section shall apply thereto.

Such mortgagee shall not transfer the land except in accordance with this section.

If within such period the mortgagee does not obtain the certificate of the Minister to a foreclosure, or does not transfer the purchase, lease, selection, or holding in accordance with this section, the same shall be liable to forfeiture, and, on notification by the Minister in the Gazette, may be forfeited, and thereupon shall revert to the Crown.

A foreclosure or transfer in contravention of this section shall be void.

The fact that the mortgagee, or some person by his authority, occupies or uses any part of the mortgaged land shall be prima facie evidence that the mortgagee has entered into possession of the land under the mortgage.

Devolution on death.

(5) If any such purchase, lease, selection, or holding devolves under a will or on intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may nevertheless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit.

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section to be a transferee as aforesaid, receive from the Minister a certificate to that effect, which shall entitle him to hold such purchase, lease, selection, or holding; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or holding:

Provided

Crown Lands (Amendment).

Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

(6) No transfer or conveyance or assignment in contra-^{Transfer, &c., void.} vention of the provisions of this section shall be valid for any purposes whatsoever.

(7) The provisions of this section are extended so as to ^{Application of section.} apply to any such original or additional conditional purchase or original or additional homestead selection, whether a grant in respect of the same has or has not issued :

Provided that nothing in this section shall apply to any additional conditional purchase taken up by virtue of a conditional lease held at the commencement of this Act.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is ^{Subdivision of conditional purchase.} repealed, and the following is substituted for it:—

34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

The application shall be made as prescribed, accompanied by the prescribed deposit, to be available for the payment of the costs of any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision thereof shall be attached.

The Minister may modify or refuse any application under this section.

After

Crown Lands (Amendment).

After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and a new certificate issued for each part.

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional purchase, and may be separately transferred to a qualified person: But the holder of any such portion shall not be entitled to apply for an additional conditional purchase in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the Minister's permission in writing.

Subdivision of homestead selections, settlement leases, and conditional purchase leases.

27. Subject to regulations to be made hereunder, the holder of any homestead selection or settlement lease or conditional purchase lease who desires to transfer a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the payment of the costs of any survey or reports which may be required. The applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement or conditional purchase lessee thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and may modify or refuse any application under this section.

After subdivision, the homestead selector or settlement or conditional purchase lessee shall surrender the grant (if issued) or the lease for the homestead selection or the settlement lease or conditional purchase lease, as the case may be, and separate grants or leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each part shall be capable of separate transfer to any qualified person, and, subject to the right of conversion under this Act, shall continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same conditions as if each were a separate homestead selection or settlement lease or conditional purchase lease: Provided that the holder of any such part shall not be entitled to apply for an additional homestead selection or an additional settlement lease or an additional conditional purchase lease in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease or conditional purchase lease unless he has previously obtained the Minister's permission in writing.

Removal

*Crown Lands (Amendment).**Removal of timber.*

28. No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884.

Removal of timber from conditional purchases and homestead selections.

The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

29. Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available, and the land may thereupon, or at any time thereafter, be sold or otherwise dealt with under the Crown Lands Acts.

Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within three years after the commencement of this Act.

Volunteer land order claim to grant.

All applications for grants of land in virtue of volunteer land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and references in respect of any determination of a Board under this section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension

*Crown Lands (Amendment).**Suspension or remission of conditions.*

Suspension of
performance of
conditions.

31. If the person entitled to any holding under the Crown Lands Acts is or has been prevented by sickness of himself or family or other adverse circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed in any such village or town.

The non-performance or breach of any condition so imposed by the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

Annual payments
on conditional
purchases on
appraisement.

32. Notwithstanding anything to the contrary in subsection four of section one of the Crown Lands (Amendment) Act, 1899, or section nine of the Appraisement Act, 1902, where on application for appraisement under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Additional settlement leases.

Term and
appraisement of
rentals of additional
settlement leases.

33. The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held.

Where any appraisement is made of the rental of the original settlement lease, an appraisement shall at the same time be also made of the rental of any such additional settlement lease.

Addition of areas to holding, or to lease or license.

Addition of remnant
areas to conditional
purchase or
homestead selection.

34. Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister, on the recommendation of the local land board, be made, and the grant for the purchase or selection may include

Crown Lands (Amendment).

include such additional land, notwithstanding that the land added may increase the area of such purchase or selection beyond the maximum prescribed by law.

Payment for the added land shall be made at the same rate as is paid for the purchase or selection, or at the rate fixed by the Board on reference by the Minister.

Where, prior to the commencement of this Act, such an addition has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

35. Where vacant Crown land adjoins, is adjacent to, or is within the external boundaries of any lease or license, and the lessee or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may, by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law.

Addition of vacant land to lease or license.

The Board shall, in accordance with section six of the Crown Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to any lease or license of the same.

Exchange of holdings.

36. The following provisions are substituted for subsections two and three of section eleven of the Crown Lands Act Amendment Act 1903:—

Exchange of holdings.

(2) Notwithstanding anything to the contrary in the Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their holdings or portions thereof: Provided that an exchange of portion of a holding may be permitted if the portions exchanged will, in the opinion of the Board, be within a reasonable working distance of the holdings to which they are to be attached.

(3) The condition of residence attaching to any portion of a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits for conditional purchases.

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional purchase or an additional conditional purchase (other than a non-residential conditional purchase), shall be at the rate of five per centum of the price of the land applied for.

Amount of deposit on conditional purchase.

The

Crown Lands (Amendment).

The survey fees chargeable on all conditional purchases, conditional leases, homestead selections, settlement leases, and conditional purchase leases, applied for after the commencement of this Act shall (unless the holder desires to pay the fee sooner) be paid in ten equal yearly instalments, with interest at the rate of four per centum per annum on the amount unpaid. Payment of the first of such instalments shall be made with the application :

Provided that an applicant shall not be required to pay a survey fee in respect of any land in connection with which a previous holder had paid such fee.

Improvements.

Tenant-right in improvement leases.

38. Notwithstanding anything to the contrary in the Crown Lands Act of 1895, a condition in any improvement lease (whether executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

Improvements in surrendered lands added to adjoining holdings.

39. Where any surrendered lands are, before or after the commencement of this Act, added to any adjoining holdings under section forty-seven of the Crown Lands Act of 1895, with a condition that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Appraisalment of rent of conditional leases.

Appraisalment of rent of conditional lease.

40. (1) Notwithstanding anything to the contrary in section thirty-five of the Crown Lands Act of 1895, an application by any conditional lessee, or a reference by the Minister, made prior to the commencement of this Act, to have the rent for the term following the first fifteen years period of any conditional lease determined in accordance with the provisions of section six of the Crown Lands Act of 1889, shall not be invalid by reason only that such application or reference was not made within twelve months after the expiration of the said first period of the lease.

(2) But any application or reference as aforesaid made after the commencement of this Act shall be made within twelve months after the expiration of the said first period of the lease.

(3) Provided that if in any case the rent has not, before or after such commencement, been determined within twelve months after the expiration of the said first period of the lease, it shall, until such determination, be deemed to have been and to be payable at the same rate as was paid for the said first period.

Fencing.

Crown Lands (Amendment).

Fencing.

41. In section one hundred and forty-one of the Crown Lands Act of 1884 the word "lease" in the expression "conditional purchase, or lease, or a homestead lease" shall include and be deemed to have included any lease other than an annual lease.

Amendment of
s. 141 of Crown
Lands Act of 1884.

The same section is also amended by omitting the words "between conditional purchasers and contributories" and inserting in place thereof the words "under this section."

Amendment of Acts.

42. The several additions, alterations, substitutions, and omissions set out in the Schedule hereto shall be made in the sections and subsections of the Acts mentioned in such Schedule.

Amendments
specified in Schedule.

Regulations.

43. For the purposes of this Act, the Governor may make regulations prescribing the mode of procedure in connection with any application under this Act, and any conditions to be attached to and under which the subject of any such application may be given effect to and completed; also for the purpose of carrying this Act into full effect generally.

Regulations.

44. All regulations so made shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in session, and if not, then within seven days after the commencement of the next session.

Regulations to be
published.

But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Application of Act.

45. This Act shall apply only to the Central and Eastern Divisions of the State.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."
Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.
Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"
Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"
Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.
Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"
Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.
Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"
Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"
Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1884.	96	The words "or license" are added after the word "lease" wherever occurring in the section.
Crown Lands Act of 1884.	98 subsec. (iii)	The words "or license fee" are added after the word "rent" wherever occurring in the section.
Crown Lands Act of 1884.	101	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	136	The words "reserved from sale or lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
Crown Lands Act of 1889.	4	"Minister" is substituted for "Governor" in the definition of "scrub."
Crown Lands Act of 1889.	13	The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted. The following words—"he may with applicant's written consent cause the land to be measured in a modified form and the land the subject of such modification shall be unavailable for any other application. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
Crown Lands Act of 1889.	14	The words "Where a declaration or consent required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration or consent to be furnished" are inserted after the word "requirements."
Crown Lands Act of 1889.	18	The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
Crown Lands Act of 1889.	25	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor. The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
Crown Lands Act of 1889.	26	The words "a conditional purchase" are inserted after the words "any applicant for"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1889.	26	The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.
Crown Lands Act of 1889.	27	The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.
Crown Lands Act of 1889.	33	The words "at the discretion of the District Surveyor or" are inserted after the words "such portion may"
Crown Lands Act of 1889.	35	The words "(subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board"
Crown Lands Act of 1889.	subsec. (ii)	The words "gazettal thereof" are substituted for the words "allotment or approval by the Board"
Crown Lands Act of 1889.	37	The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
Crown Lands Act of 1889.	39	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph.
Crown Lands Act of 1889.	44	"Minister" is substituted for "Governor"
Crown Lands Act of 1889.	44	The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may, after report by the Board, permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
Crown Lands Act of 1889.	48	The words "or any other person" are inserted after the words "by the owner of such improvements"
Crown Lands Act of 1895.	13 subsec. (i)	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	13 subsec. (ii)	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
Crown Lands Act of 1895.	13 subsec. (ii)	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph :—"Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow : Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
Crown Lands Act of 1895.	25	The word "instalment" is omitted and the word "amount" substituted.
	subsec. (b)	
	subsec. (d)	The words "Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act" are inserted at the end of the subsection.
	subsec. (f)	The words "The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for" are inserted at the end of the subsection.
Crown Lands Act of 1895.	27	The following words are added at the end of the section :—"Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection."
Crown Lands Act of 1895.	30	The words "up to and immediately" are inserted after the word "has"
	subsec. (a)	The words "of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires" are substituted for the words "during which residence was previously carried on but not so as in any case to be reduced to less than five years"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	40	The words "special conditional purchase leases" are added after the words "conditional purchase leases"
Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
Crown Lands Act of 1895.	40	The words "in respect of a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
Crown Lands Act of 1895.	41	The words "or holds under any tenure other than annual tenure" are added after the word "owns" The words "or held under any such tenure" are added after the word "owned" The words "lands granted in fee-simple or conditionally purchased or conditionally leased from the Crown shall alone be taken into account" are omitted, and the words "the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area" are substituted therefor.
Crown Lands Act of 1895.	43 subsec. (b)	"Minister" is substituted for "Governor." The words "The allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."
Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest." The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
Crown Lands Act of 1895.	60	The words "or an incapable person" are added after the words "insane patient"
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.
Appraisalment Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
Appraisalment Act, 1902.	5	The following is inserted at the end of subsection one : "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board." The following is added at the end of subsection two :—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
Appraisalment Act, 1902.	10	The words "Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
Appraisalment Act, 1902.	11	The words "to such purchase or lease" are omitted.
Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer provided that a reappraisalment shall take place upon transfer in all cases where an appraisalment has not taken place within three years previously" are inserted before the word "Provided." The word "also" is added after the second word "provided"
Crown Lands Act Amendment Act of 1903.	11 subsec. (1)	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act Amendment Act of 1903.	14	<p>In the second paragraph the word "one" before the word "holder" is omitted.</p> <p>The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve and only" are inserted after the word "only" in the expression "and shall apply only in cases where"</p> <p>The words "the passing of this Act" are substituted for the words "such date"</p> <p>The following words are inserted after the word "series":— "Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"</p> <p>In the last paragraph the word "also" is inserted before the words "that the Board"</p>
Crown Lands Act Amendment Act of 1903.	15	<p>The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"</p>
Crown Lands Act Amendment Act of 1903.	17	<p>The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.</p>
Crown Lands Act Amendment Act of 1903.	23	<p>The words "held by him on the first day of January one thousand nine hundred and three" are omitted.</p> <p>The words "a lease under improvement conditions" are substituted for the words "an improvement lease"</p> <p>The word "ten" is substituted for the word "seven"</p>
Crown Lands Act Amendment Act of 1903.	30	<p>The words "the passing of this Act" are omitted.</p>
Crown Lands Act Amendment Act of 1903.	33	<p>The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"</p>
Crown Lands Act Amendment Act of 1905.	4	<p>A new paragraph in the following words:—" (e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."</p>

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section :—“(4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification.”
Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph “(d) conditional purchase lease” is inserted after paragraph (c), and the words “or applicant for” are inserted next after the expression “the holder of” wherever occurring in the subsection. Subsection (2) is repealed, and the following substituted :— “No application for an additional conditional purchase, additional conditional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of.” In subsection (4) the words “or conditional purchase lease” are inserted after the words “settlement lease.”
Crown Lands Amendment Act of 1905.	7	The words “on any question as to” after the word “section” and the whole of subsections (1) (2) (3) (4) and (5) and the words “a decision of the Board on any of the foregoing questions” are omitted. The word “it” is inserted after the word “refer”
Crown Lands Amendment Act of 1905.	8	In the last sentence the word “Minister” is substituted for the word “Board” and the words “by notice in the Gazette” are inserted between the words “may” and “attach,” and the words “of the prescribed” are omitted.
Crown Lands Amendment Act of 1905.	9	The words “or conditional purchase leases” are inserted after the words “homestead selections,” and the words “or conditional purchase lease” are inserted after the words “homestead selection,” wherever appearing in the section.
Crown Lands Amendment Act of 1905.	10	In paragraph (a) the words “and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon” are omitted and the words “of such areas as the Minister may determine” substituted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Amendment Act of 1905.	14	The words "and is not the holder of any land except— (a) town or suburban land as defined by the Principal Acts; or (b) land held as a tenant from a private holder" are omitted, and the words "or under the provisions of section forty-one of the Crown Lands Act of 1895 as amended by the Crown Lands (Amendment) Act, 1908," are substituted therefor.
Crown Lands Amendment Act of 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."

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

HARRY H. RAWSON,
Governor.

State Government House,
Sydney, 24th December, 1908.

Crown Lands (Amendment) Bill.

AMENDMENTS IN SCHEDULE.

Section 13, Crown Lands Act of 1889.

13. Upon receipt from the land agent of any application for a conditional purchase or conditional lease, ~~the chairman of the land board may refer the same to the district surveyor, and if the land therein described is unmeasured, and appears to be available, and to be capable, as applied for, of being measured in a proper form, the district surveyor shall cause the same to be measured; but if the land is not, or is only partly, available, or if any other objection appears to exist, he may with applicant's written consent cause the land to be measured in a modified form, and the land the subject of such modification shall be unavailable for any other application.~~ Should the applicant decline to accept the proposed modification the district surveyor shall so report; and the Board shall thereafter deal with the application, either by refusing it, or permitting its withdrawal, or directing the survey of such land as may be proposed to be allotted, and for this purpose may, subject to the provisions of the Principal Act and of this Act, allot land in a modified or different position from that applied for. Any allotted lands which are not described in the original application shall, so far as the withdrawal of the same and the right of impounding in respect thereof under the provisions of section twelve of this Act are concerned, be deemed to have been applied for on the date of the confirmation. When the land has been measured, if no sufficient objection exist, and the local land board be satisfied that the applicant has, bona fide, applied for the land for his own sole use and benefit, either wholly or subject to the provisions of section twenty of this Act, the Board shall, in open court, confirm such application as made or modified, subject to payment as prescribed of any necessary extra deposit. The chairman shall within the prescribed time thereafter issue a certificate of such confirmation. The Board, in open court, may for sufficient reason with or without a report from the district surveyor, and either before or after measurement of the land, disallow any application, wholly or in part. The provisions of this section shall, so far as procedure is concerned, apply to applications made before but not finally disposed of at the commencement of this Act.

NOTE.—This amendment will enable district surveyors to expedite measurement and subdivision of lands applied for as conditional purchases and conditional leases, and will secure to applicant the land which it is proposed to allot him in modification of his application.

Section 14, Crown Lands Act of 1889.

14. No error, uncertainty, omission, or misdescription in any application for a conditional purchase or conditional lease, made after the commencement of this Act, or in any declaration prescribed by section twenty-six of the Principal Act, or section twenty of this Act, and made in connection with any such application, shall invalidate the application in any case where the local land board is satisfied that such error, omission, uncertainty, or misdescription was not wilful, and made with intent to deceive; and the Board shall have full power to authorise the correction of any error or omission in any application or declaration, so as to bring the same into conformity with the statutory requirements. Where a declaration or consent required by the Crown Lands Acts has not been lodged, the Board may permit such omission, if not wilful, to be supplied, and the required declaration or consent to be furnished. The provisions of this section shall extend to applications and declarations made before, but not finally disposed of at, the commencement of this Act.

Error or uncertainty in description or declaration not to vitiate application in certain cases.

NOTE.—The law as at present does not permit the omission to supply a declaration or consent to be corrected. This amendment will supply the deficiency in cases where the omission is not wilful.

Section 18, Crown Lands Act of 1889.

Conditional
purchases in
special areas.

Special areas
within suburban
or population
boundaries.

18. Notwithstanding anything to the contrary in section twenty-four or forty-two of the Principal Act, it shall be lawful for the Governor, subject to the general provisions of section twenty-four as aforesaid, to proclaim by notice in the Gazette, and set apart, from time to time, special areas, which it shall be lawful to conditionally purchase in such areas as may be notified in the proclamation, not exceeding three hundred and twenty acres in the Eastern, or six hundred and forty acres in the Central or Western Division. **Areas shall be conditionally purchased as notified in such proclamation, and any such area may be ~~more or~~ less than forty acres.** It shall also be lawful for the Governor, by notification in the Government Gazette, to proclaim and set apart as special areas any lands within the suburban or population boundaries or population areas of any cities, towns, or villages, and such lands (without cancellation or revocation of such boundaries or areas) shall, notwithstanding anything to the contrary in the Principal Act, be open to conditional purchase on or after such dates, and in such areas, and subject to the payment of such prices, deposits, and instalments, and subject to the fulfilment of such conditions as to residence, improvements, fencing, or otherwise, as may be specified in the proclamation. Any conditions so set forth shall have the force of law, and any breach thereof shall render the conditional purchase liable to forfeiture in accordance with this Act or the Principal Act. The Governor may at any time revoke or modify any proclamation, before or after the commencement of this Act, of any special area, or of any conditions applicable thereto, and any such revocation or modification shall take effect on proclamation in the Gazette. Before any special areas are declared to be open for conditional purchase the same shall be surveyed, and shall, subject to the provisions of section twenty-seven of this Act, be taken in portions as measured.

Section 33, Crown Lands Act of 1889.

33. After the expiration of any pastoral lease in the Eastern Division, granted under the Principal Act, the lands theretofore subject to any such lease shall become and be dealt with as a resumed area; and the Governor may, in pursuance of the eighty-first section of that Act, issue licenses to occupy the same, subject to all the conditions in the said Act and this Act contained relating thereto, provided that any appraisalment of the license fee shall be made in accordance with this Act. The holder of any such expiring lease may, not less than six months before its expiration, apply for a license to occupy the Crown lands theretofore held by him under such lease; and after expiration of the lease as aforesaid the same shall be granted to him, and shall commence from the date of such expiration; provided that at the time of making the application all arrears of the rent of such pastoral lease shall have been paid up, and within three months thereafter there shall be lodged with the Colonial Treasurer, as provisional license fee, a sum calculated at the same rate per section of six hundred and forty acres of the estimated area as may be payable for the area originally resumed, if the applicant shall occupy the same, but if not, then at the rate of two pounds per section, and the said provisional license fee shall continue to be payable until an appraisalment shall have been made and the license fee fixed thereunder duly notified; after an appraisalment of the license fee shall have been made the difference between the provisional license fee and the fee so appraised shall be paid to or by the licensee in the prescribed manner, subject, in default of his paying any deficiency, to a forfeiture of the license. If application and payment of the provisional license fee shall not have been made as aforesaid, the right to occupy the said lands may be disposed of by auction or tender, or the lands may be otherwise dealt with under the provisions of the Principal Act and this Act. Crown lands not held under lease or license, and not reserved from lease or license, shall be open to annual lease in the prescribed manner, and the first applicant shall have a right to an annual lease of the land applied for (~~subject to modification by the Board~~) **subject to the Minister's approval and any modification by the Board** on payment of such rent as the Land Board shall determine as provided by this Act. Any such annual lease shall commence from the date of allotment ~~or approval by the Board~~ **gazetted** thereof and shall be subject to the provisions of section eighty-five of the Principal Act: provided that no such application made after any of the land applied for shall have been notified in the Gazette for lease by auction or tender shall prevent the land from being let as so notified.

NOTE.—Necessary, as all annual leases must be approved by the Minister.

Section 40, Crown Lands Act of 1895.

Limitation of Privilege of Selecting, &c.

The privilege of
selecting, &c.,
when exhausted.

40. Homestead selections, conditional purchase leases, *special conditional purchase leases*, settlement leases, original homestead leases, and original conditional purchases (such homestead leases and conditional purchases being applied for after the commencement of this Act) form the class of holdings referred to in this and the next following sections.

No person who, after the commencement of this Act, applies for any holding of the aforesaid class, and obtains a title thereto in pursuance of such application, shall be qualified to apply for another holding of the aforesaid class whether of the same kind as, or of a different kind from, the holding first applied for, unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or to surrender the holding first applied for.

For the purposes of this section title in pursuance of an application shall be taken to have been obtained—in the case of homestead selections, settlement leases, and original conditional purchases—when the application has been confirmed by the Local Land Board, and in the case of homestead leases when the approval of the issue of the lease has been notified in the Gazette, and a valid notice of non-acceptance has not been duly given:

Provided always that if the holding first applied for were a settlement lease or an original homestead lease, the disqualification enacted by this section shall cease to operate upon the expiration of the term of the lease by effluxion of time, or if the lease have been forfeited, surrendered, or otherwise sooner determined then upon the expiration of the period which the term of the lease would have had to run, but for such forfeiture, surrender, or other sooner determination:

Provided, nevertheless, that notwithstanding the non-obtaining of such certificate, any person may, with the approval of the Minister in writing previously had, exercise any right conferred under this or the Principal Act.

Section 41, Crown Lands Act of 1895.

Disqualifications from Selecting, &c.

41. No person shall be competent to apply for any holding of the class referred to in the last preceding section who—

- (a) At the date of application owns or holds under any tenure other than annual tenure; or
- (b) Owned or held under any such tenure, at any time previous to the date of application, and fraudulently divested himself of the ownership thereof by transfer, conveyance, assignment, or otherwise, or purported so to do, in order to evade the foregoing provision;

an area of land, which area, added to the area of the holding applied for, shall exceed as a total area the maximum area permitted by law to the class of holding applied for.

For the purposes of the foregoing provisions lands granted in fee simple, or conditionally purchased, or conditionally leased, from the Crown shall alone be taken into account, the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area.

A person who is not a natural-born or naturalised subject of Her Majesty shall not be qualified to apply for any holding of the class referred to in the last preceding section unless he has resided in New South Wales for one year, and at the time of making such application he lodged a declaration of his intention to become naturalised within five years from the time of making such declaration. And if such person fails to become so naturalised within the period aforesaid, he shall absolutely forfeit all land the subject of his application, together with all the improvements thereon.

NOTE.—This will be an advantage to conditional purchase lease applicants, as it will place them on a similar footing to applicants for other residential holdings.

Section 60, Crown Lands Act of 1895.

Meaning of certain words in Act of 1884.

60. The word "be declared a lunatic" in this Act and in section one hundred and twenty-five of the Crown Lands Act of 1884, shall be taken to include a person who has become an "insane patient" or an incapable person within the meaning of the Lunacy Act of 1878, and the Acts amending the same.

Insane patient included in terms "declared lunatic."

Section 5, Crown Lands Act of 1903.

Settlement leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

Settlement leases.

The holder of any settlement lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, if the Minister so directs when giving his consent to the transfer: Provided that a reappraisal shall take place upon transfer in all cases where an appraisal has not taken place within three years previously: Provided also that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

NOTE.—To prevent unnecessary appraisements under the law as it now stands, an appraisal must take place every time a lease is transferred.

Section 14, Crown Lands Act Amendment Act of 1903.

Rate of interest on conditional purchases.

14. After the passing of this Act the rate of interest payable on the balance of purchase money on any conditional purchase (other than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land, and shall apply only to those persons purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and ten, and only, in cases where the holder has for two years immediately before such date the passing of this Act continuously resided on some part of such area, or on a conditional purchase or conditional lease of the same series: Provided that when any such conditional purchase is held by two or more persons as joint holders, such persons shall be deemed to be a holder; and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase:

Provided also that the board may waive such conditions of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made, the annual payment may be made at the rate of nine pence for each pound of the purchase-money.

NOTES.

Reduction of rate of interest cannot be obtained where land is held by joint holders it is proposed to correct this.

Also, as the section does not require an application for the reduction to be made, the amendment is to provide for same and to limit the time for making such application to 30th June, 1910.

The amendment "passing of this Act" in lieu of "such date" is consequential upon other amendments made in the section.

Section 23, Crown Lands Act Amendment Act of 1903.

Annual leases.

23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and, upon the land being sold or leased, the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

The holder of any annual lease or leases (~~held by him on the first day of January, one thousand nine hundred and three~~), may apply to the Minister for ~~an improvement lease~~ *a lease under improvement conditions* of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and, if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application, the board may recommend and the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding ~~seven~~ *ten* years, subject to such rent and conditions as may be set out by the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

NOTES.

The object of this amendment is to permit of the holders of annual leases to apply for conversion of these leases into improvement leases.

As the Act now stands only those who held annual leases on the date struck out could apply.

The lease cannot be granted unless the Board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interests exists to the granting of such a lease.

Section 14, Crown Lands Amendment Act of 1905.

14. Any person not being under the age of eighteen years in the case of a male, or twenty-one years in the case of a female, who is not disqualified under the provisions of section forty of the Crown Lands Act of 1895, as amended by this Act, ~~and is not the holder of any land except or under the provisions of section forty-one of the Crown Lands Act of 1895 as amended by the Crown Lands Amendment Act, 1908—~~

- (a) ~~town or suburban land as defined in the Principal Acts, or land the total area of which does not exceed forty acres;~~
 - (b) ~~land held as a tenant from a private holder.~~
- may apply for a conditional purchase lease under this Act, subject to the following provisions:—
- (1) Such person shall not, for the purpose of qualifying for applying under this Act, have divested himself or herself of any land held by him or her within twelve months before the date of application.
 - (2) Such person, if a female, shall be unmarried or widowed, or, if married, be living apart from her husband, under an order for judicial separation made by a court of competent jurisdiction.

NOTES.

Conditional Purchase Leases.

Under the existing law applicants for conditional purchase leases must not hold land other than town and suburban lands as defined in the Principal Acts, or lands held as a tenant from a private holder. As this provision has led to the exclusion of holders of small allotments, which are actually town and suburban lands, but which do not technically conform to this definition thereof, it is now proposed to bar only those who will hold under any tenure other than annual tenure more than a home maintenance area.

This harmonises with provisions made in respect of applicants for other residential holdings.

PROOF

CROWN LANDS (AMENDMENT) BILL.

SCHEDULE showing the Legislative Assembly's Disagreements from, and Amendments upon, the Legislative Council's Amendments, and the Assembly's Amendment to correct an obvious error, referred to in Message of 16th December, 1908.

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

- Page 3, clause 3, line 16. *Omit "instalment" insert "instalments"*
Page 6, clause 7, line 44. *Omit "the board may determine" insert "shall be determined by the board subject to the provisions of section six of the "Crown Lands Act of 1889"*
Page 16, clause 25, lines 11 to 36. *Reinsert subclause (4), but omit "therefore" in line 29; insert "thereupon"*
Page 17, clause 25. At end of subclause (7 6) *omit* first new proviso.
Page 17, clause 25, line 34. *Omit "further"*
Page 20, clause 31, line 20. *Omit "or excusable"*
Page 28, Schedule, lines 38 to 44. *Omit "After the first word 'selection' in section "twenty-seven, the following words are inserted:—'Unless in the opinion "of the Board a larger area is required for the maintenance of a home "thereon in average seasons and circumstances, in which case a home "maintenance area may be granted by the Board'"*
Page 32, Schedule, line 27. *After "additional" first occurring insert "conditional" (to correct an obvious error).*
-

CROWN LANDS (AMENDMENT) BILL.

SCHEDULE of the Amendments referred to in Message of 4th December, 1908.

- Page 1, clause 1, line 6. *Omit* "January"; *insert* "**February**"
- Page 2, clause 3, lines 14 and 15. *Omit* "in respect of which before or after the commencement of this Act a forfeiture has not been incurred, or if incurred has been waived"; *insert* "**not liable to forfeiture**"
- Page 2, clause 3, line 26. *After* "Act" *insert* "**Any balance of the said deposit shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty.**"
- "With any application for conversion of a homestead grant there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed."
- Page 2, clause 3, line 35. *Omit* "under"; *insert* "**which is subject to a**"
- Page 3, clause 3, line 5. *Omit* "immediately prior to the application for conversion"; *insert* "**up to and immediately preceding the date of such confirmation: Provided that the period of any lawful exemption or relaxation shall be reckoned in such term of continuous residence**"
- Page 3, clause 3, line 14. *After* "paid" *insert* new proviso.
- Page 3, clause 4, line 44. *After* "grant" *insert* "**If after reference by the Minister the applicant is dissatisfied with the appraisalment of the board, he may within one month after such appraisalment withdraw his application for conversion upon payment of costs as assessed by the board, and thereupon the surrender of the homestead grant shall be inoperative, and shall be delivered up to the applicant or any person entitled thereto**"
- Page 4, clause 5, lines 9 to 11. *Omit* "in respect of which before or after the commencement of this Act a forfeiture has not been incurred, or, if incurred, has been waived"; *insert* "**not liable to forfeiture**"
- Page 4, clause 5, line 32. *After* "not" *insert* "**with the other lands so held by applicant**"
- Page 4, clause 5, line 43. *After* "purchase" *insert* "**or as to the capital value thereof**"
- Page 5, clause 5, line 4. *After* "Board" *insert* "**On such confirmation the settlement lease shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided**"
- Page 5, clause 6, line 38. *After* "lease" *insert* "**but shall be subject to appraisalment in respect of each succeeding term of ten years or portion thereof**"
- Page 5, clause 6, line 44. *After* "purchases" *insert* "**and any other land held by the applicant under any tenure other than annual tenure**"
- Page 6, clause 6, line 5. *Before* "shall" *insert* "**the area of such original and additional conditional purchases**"
- Page 6, clause 6, line 11. *After* "holding" *insert* "**and any other land held by the applicant under any tenure other than annual tenure**"
- Page 6, clause 7, lines 25 to 34. *After* "be" *omit* all words down to end of first proviso; *insert* new paragraphs (a) and (b).
- Page 7, clause 8, lines 14 and 15. *Omit* "immediately prior to his application for such conversion"; *insert* "**up to and immediately preceding the date of confirmation**"
- Page 7, clause 10, line 34. *Omit* "immediately prior to"; *insert* "**up to and immediately preceding**"
- Page 8, clause 11. *After* subclause (3) *insert* new subclause (4).
- Page 12, clause 22, line 39. *After* "lands" *insert* "**(other than lands exempt from conditional purchase or within areas set apart for a different class of holding)**"
- Page 14, clause 25, lines 41 and 42. *Omit* "an original conditional purchase or conditional purchase lease or homestead selection or settlement lease"; *insert* new paragraphs (a) (b) (c) (d) and (e).
- Page 15, clause 25, lines 33 to 36. *Omit* "Regulations may be made prescribing under what circumstances and conditions the Minister may consent to a mortgage to a person who comes within paragraph (a) or paragraph (b) of the last preceding subsection"
- Page 16, clause 25, line 4. *After* "family" *insert* "**and the Minister may consent to a transfer of the land under this section before the expiration of the said period of residence**"
- Page 16, clause 25. *Omit* subsection (4).
- Page 17, clause 25. At end of clause *add* new provisos.
- Page 18, clause 27, line 27. *After* "lease" *insert* "**or conditional purchase lease**"
- Page 18, clause 27, line 36. *After* "settlement" *insert* "**or conditional purchase**"

Page 18, clause 27, line 41. After "settlement" insert "or conditional purchase"
 Page 18, clause 27, line 43. After "lease" insert "or conditional purchase lease"
 Page 19, clause 27, line 6. After "lease" insert "or conditional purchase lease"
 Page 19, clause 27, line 8. After "lease" insert "or an additional conditional purchase lease"
 Page 19, clause 27, line 11. After "lease" insert "or conditional purchase lease"
 Page 20, clause 30, line 7. Omit "two"; insert "three"
 Page 20, clause 31, line 20. After "adverse" insert "or excusable"
 Page 24, clause 43, lines 7 and 8. Omit "such regulations upon being published in the Gazette shall be
 "good and valid in law"

Page 24. At end of clause 43, add new clause 44.

Page 26, Schedule, line 27. After "form" insert "and the land the subject of such modification shall
 "be unavailable for any other application"

Page 26, Schedule, line 32. After "declaration" insert "or consent"

Page 26, Schedule, line 35. After "declaration" insert "or consent"

Page 26, Schedule, line 39. Omit "more or"

Page 27, Schedule, line 17. Omit "approved"; insert "approval"

Page 28, Schedule, line 45. Before "the" insert "After the first word 'selection' in section twenty-seven,
 "the following words are inserted: 'Unless in the opinion of the Board a larger area is
 "required for the maintenance of a home thereon in average seasons and circumstances,
 "in which case a home maintenance area may be granted by the Board'"

Page 28, Schedule, line 49. After "word" insert "s"

Page 28, Schedule, line 49. Before "immediately" insert "up to and"

Page 28, Schedule, line 49. Omit "is"; insert "are"

Page 29, Schedule. After line 13 insert—

Crown Lands Act 40
 of 1895.

The words "special conditional purchase leases" are
 added after the words "conditional purchase
 leases"

Page 29, Schedule. After line 28, insert—

Crown Lands Act 41
 of 1895.

The words "or holds under any tenure other than
 annual tenure" are added after the word "owns"
 The words "or held under any such tenure" are
 added after the word "owned"
 The words "lands granted in fee-simple or condition-
 ally purchased or conditionally leased from the
 Crown shall alone be taken into account" are
 omitted, and the words "the maximum area of a
 conditional purchase lease shall be deemed to be
 the same as that permitted to a conditional pur-
 chase, or to be the area of the block applied for
 should it exceed such maximum area" are substi-
 tuted therefor.

Page 30, Schedule. After line 15, insert—

Crown Lands Act 60
 of 1895.

The words "or an incapable person" are added after
 the words "insane patient"

Page 30, Schedule. After line 52, insert "The word 'also' is added after the second word 'provided'"

Page 31, Schedule. After line 17, insert "The words 'the passing of this Act' are substituted for
 "the words 'such date'"

Page 31, Schedule, line 44. After "word" insert "s"

Page 31, Schedule, line 44. After "a" insert "lease under improvement conditions"

Page 31, Schedule, line 44. Omit "is"; insert "are"

Page 31, Schedule, line 45. After "improvement" insert "lease"

Page 33, Schedule, lines 12 to 14. Omit "Paragraph (a) is omitted and the following words
 "substituted therefor:—(a) Land the total area of which does not exceed forty acres";
 insert "The words 'and is not the holder of any land except—(a) town or suburban land
 "as defined in the Principal Acts; or (b) land held as a tenant from a private holder'
 "are omitted, and the words 'or under the provisions of section forty-one of the Crown
 "Lands Act of 1895 as amended by the Crown Lands (Amendment) Act, 1908,' are
 "substituted therefor."

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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908. }*

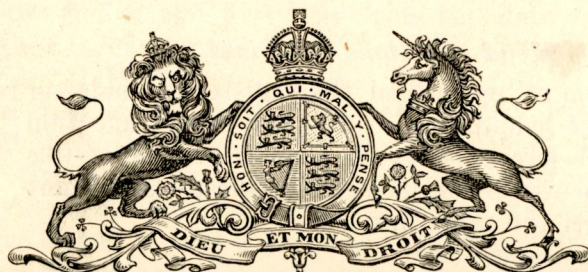
*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

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

*Legislative Council Chamber,
Sydney, 4th December, 1908. }*

*JOHN J. CALVERT,
Clerk of the Parliaments.*

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures ; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto.

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

5

Preliminary.

1. This Act shall come into force on the first day of ~~January~~ ^{Short title.} ~~February~~, one thousand nine hundred and nine, and may be cited as the "Crown Lands (Amendment) Act, 1908," and shall be construed with the Principal Acts.

17909

30—A

2.

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

Crown Lands (Amendment).

2. In this Act—

Interpretation.

“Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.

5 “Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, together with the Acts read or construed with or amending the same.

10 “Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

Conversion of homestead selections or grants.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant ~~in respect of which before or after the commencement of this Act a forfeiture has not been incurred, or if incurred has been waived, not~~ ^{For conversion of homestead selection or grant.} liable to forfeiture may convert the same into—

- (a) a conditional purchase lease; or
- (b) a conditional purchase; or
- 20 (c) a conditional purchase and conditional lease, but so that the area comprised in such lease does not exceed three times the area comprised in the conditional purchase.

With any such application for conversion, a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase, as payment or part payment 25 of a deposit to be made of five per centum of the capital value of the land as determined under this Act: Any balance of the said deposit shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall there- 30 upon be forfeited to His Majesty.

With any application for conversion of a homestead grant there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

35 Provided that in any such application made in respect of a homestead selection or grant ~~under~~ which is subject to a mortgage the mortgagee shall join :

Provided also that a person shall not, except with the permission of the Minister, convert more than one homestead selection or grant under this section.

40 (2) Such conversion shall not take effect until confirmed by the board. ^{Confirmation by board.}

(3) The conditional purchase lease, or conditional purchase, or conditional purchase and conditional lease shall be subject— ^{Conditions of tenure.}

- 45 (a) to any special conditions which attached to the homestead selection or grant; and
- (b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant is converted, except that
- (c)

Crown Lands (Amendment).

- (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by the period during which continuous residence has been performed by the applicant upon the homestead selection or grant ~~immediately prior to the application for conversion~~ **up to and immediately preceding the date of such confirmation: Provided that the period of any lawful exemption or relaxation shall be reckoned in such term of continuous residence ;** and
- (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half per centum per annum, has been paid : **Provided, however, that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalment, and upon payment of the whole of the purchase money and interest to have issued to him a grant at any time after the other conditions attaching to the conditional purchase have been fulfilled.**

(4) The words "homestead selection or grant" in this section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof. Definitions.

4. (1) Upon conversion of a homestead selection or grant into a conditional purchase lease or into a conditional purchase with or without a conditional lease the capital value of the land comprised in the conditional purchase lease for the first ten years thereof, or the price of the land comprised in the conditional purchase, or any additional conditional purchase made out of land comprised in the conditional lease, shall be the capital value upon which the rent of the homestead selection or grant was payable at the date of application for such conversion : Determination of capital value.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after lodgment of such application direct, that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the capital value of a conditional purchase lease for the first ten years period thereof or the price of a conditional purchase or additional conditional purchase :

Provided further that in so determining such value the Board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the homestead selection or grant. If after reference by the Minister the applicant is dissatisfied with the appraisalment of the board, he may within one month after such appraisalment withdraw his application for conversion upon

Crown Lands (Amendment).

upon payment of costs as assessed by the board, and thereupon the surrender of the homestead grant shall be inoperative, and shall be delivered up to the applicant or any person entitled thereto.

(2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

Conversion of settlement leases.

5. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any settlement lease in Conversion of settlement leases. respect of which, before or after the commencement of this Act, a forfeiture has not been incurred, or if incurred has been waived, not liable to forfeiture may convert such lease into a conditional purchase or into a conditional purchase and conditional lease in the manner and subject to the conditions following:—

15 (a) When, in the opinion of the Board, the land comprised in such settlement lease, together with the area held by the applicant for conversion under any tenure other than annual tenure, does not exceed an area which, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision
20 for water supply, and when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall be into an original conditional purchase or into an original conditional purchase and a conditional
25 lease, such lease not to exceed in area three times the area of the conditional purchase.

(b) When, in the opinion of the Board, the land comprised in the settlement lease together with any land held by the applicant for conversion under any tenure other than annual tenure exceeds such area, the conversion shall be—

30 (i) as to so much of the land comprised in the lease as the Board determines will not, **with the other lands so held by applicant**, exceed such area as aforesaid, or as to not less than one-fourth of such area into an original conditional purchase; and Conditions necessary to application.

35 (ii) as to the balance of the land comprised in the settlement lease into a conditional lease.

(c) In no case shall the area to be converted into a conditional purchase or additional conditional purchase be such that the unimproved value thereof exceeds three thousand pounds.

40 (d) If the applicant is dissatisfied with the determination of the Board as to the area which may be converted into a conditional purchase or additional conditional purchase, or as to the capital value thereof, he may, within one month
45 thereafter, withdraw his application for conversion, upon payment of costs as assessed by the Board. (e)

Crown Lands (Amendment).

- (e) In an application for conversion in respect of a settlement lease under mortgage the mortgagee shall join.
- (f) Such conversion shall not take effect until confirmed by the Board. **On such confirmation, the settlement lease shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.**
- (g) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act.
- (h) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.
- (i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.
- (2) The words "settlement lease" in this section mean Definition of settlement lease. and include an original settlement lease and any additional settlement lease held in virtue thereof.
6. Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and conditional lease as aforesaid Conditions upon conversion. any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:—
- (a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.
- (b) The rent payable in respect of any such conditional lease shall for the first ten-year period thereof be at the same rate per acre as was paid in respect of the settlement lease, **but shall be subject to appraisalment in respect of each succeeding term of ten years, or portion thereof.**
- (c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, **and any other land held by the applicant under any tenure other than annual tenure, shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking,**

Crown Lands (Amendment).

ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and **the area of such original and additional conditional purchases** shall not exceed an area of which the unimproved value exceeds three thousand pounds.

- (d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, **and any other land held by the applicant under any tenure other than annual tenure**, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act.
- (e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

7. (1) Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within the area of such lease—shall be ~~such sum as would at two and a half per centum produce the annual rent payable on the settlement lease at the date of application for such conversion :~~ Price of and payment for conditional purchase on conversion.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after the lodgment of such application direct that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the price of a conditional purchase or additional conditional purchase.

- (a) the capital value of the land comprised in the settlement lease as may have been determined by the board, or, if not so determined, such capital value as may have been notified in the Gazette notice setting apart the land for settlement lease ; or
- (b) if not so determined or notified, or if the Minister or the applicant is dissatisfied with the value as so determined or notified, such sum as the Minister and the applicant for conversion agree to, or, failing such agreement within the time prescribed, such sum as the board may determine on reference by the Minister, or on application by the applicant for conversion.
- Provided

Crown Lands (Amendment).

Provided further that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease.

- 5 (2) The balance of the purchase money shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid. Payment of balance of purchase money.
- 10 8. The term of residence in respect of any conditional purchase or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid shall be ten years, but such term of residence shall be reduced by the period of continuous residence performed by the applicant ~~immediately prior to his application for such~~ Residence and suspension of residence.
- 15 ~~conversion~~ **up to and immediately preceding the date of confirmation.** The residence term shall commence on the date of the Board's confirmation of the conversion.
- 20 9. If the land comprised in a settlement lease has been reserved either wholly or in part from sale such reserved land shall not be Reserved land.
- convertible into a conditional purchase unless and until such reservation is revoked.

Conversion of non-residential conditional purchases.

- 25 10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase made under section forty-seven of the Crown Lands Act of 1884 not liable to forfeiture may on application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the Conversion of non-residential conditional purchase into original conditional purchase.
- 30 Principal Acts relating thereto:

Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder ~~immediately prior to~~ **up to and**

35 **immediately preceding** his application for such conversion.

- (2) All moneys paid on account of purchase money in respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be Payment of price.
- 40 so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid.

If

Crown Lands (Amendment).

If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

5 11. (1) Notwithstanding anything contained in the Principal Acts or the regulations thereunder, the registered holder of any special lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-
10 cane growing, tanks, tobacco-growing, or water conservation, or of any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—

- 15 (a) a conditional purchase lease or an additional conditional purchase lease ; or,
- (b) a conditional purchase or an additional conditional purchase ; or,
- (c) a homestead selection or an additional homestead selection ; or,
- 20 (d) a settlement lease or an additional settlement lease ; or
- (e) a conditional lease.

(2) Provided that—

- 25 (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines ;
- (b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area ;
- 30 (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for.

(3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for
35 inquiry and report.

(4) If the land is wholly or in part within a travelling stock reserve, a camping reserve, or a water reserve, particulars of the application and of the time and place appointed for the Board's inquiry shall be notified in the Gazette, and attention shall be invited
40 thereto by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry.

(4 5) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board
deems

Conversion of certain special leases and certain church and school lands leases.

Limitations to conversion.

Application.

Grant of application.

Crown Lands (Amendment).

deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, subject to the provisions of section six of the Crown Lands Act of 1889.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

(5 6) The cost of any necessary survey or subdivision, and Deposit to be paid.
 10 any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending
 15 the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.

(6 7) Such conditional purchase lease, or additional con- Conditions.
 ditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection,
 20 or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to the general provisions of the Principal Acts in respect thereto, except that—

(a) the term of residence which shall commence within three
 25 months after the date of the Minister's approval of the conversion shall be reduced by the period during which continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or
 30 upon the holding in virtue of which the special lease or church and school lands lease has been converted into an additional holding or conditional lease;

(b) the purchase money of any conditional purchase shall be paid
 35 by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

(7 8) Upon approval by the Minister of any conversion Price and rent.
 under this section the capital value of the land comprised in the
 40 conditional purchase lease, or the additional conditional purchase lease, or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional
 45 conditional purchase, shall be that determined by the Board as
 aforesaid.

General

Crown Lands (Amendment).

General provisions relating to conversions.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease.
13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act.

Surrender of conditional leases.

Savings.

Surrender of improvement and scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him—
- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.
- (2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.
15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to approval by resolutions of both Houses of Parliament. After such notification the owner may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period, and upon such conditions as may be agreed upon.

Advisory board to report as to improvements and scrub leases.

Power of entry and inspection.

Notification of surrender of lease.

Crown Lands (Amendment).

16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within 5 such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such compensation to be determined by a court as hereinafter provided.

Compensation payable to lessee.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement 10 Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final.

Determination of compensation by court.

(3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the 15 improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly—

Measure of compensation.

(a) the improvements in respect of which the lessee has or has not tenant right;

(b) any right of the Minister to withdraw the whole or any part 20 of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land.

17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, 25 and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings in relation thereto.

Application of sections of Closer Settlement Act, 1904.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act 30 shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette.

Disposal of land.

Special conditional purchase leases.

35 19. (1) The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification: Provided that lands shall not be so set apart until they have for a period of at least six months been available for some 40 class of residential holding under the Principal Acts. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, 45 whether as to the whole or any part thereof, by notification by the Minister in the Gazette. (2)

Special conditional purchase leases.

Crown Lands (Amendment).

(2) Any person having the qualifications specified in section Application.
fourteen of the Crown Lands Amendment Act of 1905 may, after the
date specified by the Minister as aforesaid, apply for a special conditional
purchase lease of any area not less than twenty and not exceeding
5 three hundred and twenty acres of land so set apart: Provided that
in the event of any conflicting applications being received, whether
original or additional, the board shall determine the order of priority
in accordance with section twenty-eight of the Crown Lands
Amendment Act of 1905.

10 (3) A deposit of rental at the rate of sixpence per acre Deposit.
shall be made with the application, and a survey fee shall be paid as
prescribed for conditional purchase leases under section thirteen of the
Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design
15 thereof shall be as approved by the Minister.

20. Special conditional purchase leases shall not be subject to Conditions.
any condition of residence, but shall be subject to any regulations made
under this Act and to the provisions and conditions of conditional
purchase leases as prescribed by the Crown Lands Amendment Act of
20 1905 and any Act amending the same, and shall also be subject to
the following conditions:—

(a) The applicant shall effect substantial improvements on the
land to a value of one pound per acre or such lesser value
as the Minister may deem sufficient not being less than
25 ten shillings per acre; and

(b) Such improvements shall be completed within three years
from date of confirmation of the application.

21. The capital value for the first period of ten years shall be Capital value.
appraised by the Board, after survey, according to the capabilities and
30 situation of the land the timber thereon and the means of access
thereto. For each succeeding period of ten years the board shall
determine the capital value on a similar basis.

Additional conditional purchase leases.

22. (1) Any holder of a conditional purchase lease, whether Additional
35 applied for before or after the commencement of this Act, or of conditional purchase
any conditional purchase, being a conversion before or after such leases may be made
commencement of a conditional purchase lease, may make additional
conditional purchase leases or additional conditional purchases, as the
case may be, of Crown lands (other than lands exempt from conditional
40 purchase, or within areas set apart for a different class of holding)
adjoining the original or any prior additional conditional purchase
lease or conditional purchase, or within areas set apart under section
four of the Crown Lands Act Amendment Act of 1905 for that class
of additional holding: Provided

Crown Lands (Amendment).

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

- 5 (2) A condition of ten years' residence shall attach to every additional conditional purchase lease or additional conditional purchase under this section. Condition 3.

Provided that—

- 10 (a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence; but if an additional conditional purchase or
- 15 conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires.

- 20 (b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series.

- (3) The provisions of the Principal Acts relating to original conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, mutatis mutandis, be applied to any additional conditional purchase lease or additional conditional purchase under this section. Application of Principal Acts.
- 25

- (4) Original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase leases) of the same series shall be deemed to be one holding and shall not be transferred apart or held separately. Transfers.
- 30

Residential lease.

23. (1) The holder of any residential lease including any additional residential lease may at any time after the first five years of his lease apply to purchase the land held thereunder. Purchase of land comprised in residential lease.
- 35

- (2) Application shall be made as prescribed accompanied by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to the Board for inquiry and report. Application.
- 40

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend

Crown Lands (Amendment).

recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

(4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Restriction of transfer.

24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Where a settlement lease, issued before or after the commencement of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

25. (1) Notwithstanding anything to the contrary in the Principal Acts, — ~~an original conditional purchase or conditional purchase lease or homestead selection or settlement lease~~ (a) an original conditional purchase (other than an original conditional purchase into which a conditional purchase lease applied for prior to the commencement of this Act may be converted) ; or (b) subdivisions of same.

Crown Lands (Amendment).

- (b) a conditional purchase lease; or
 (c) a special conditional purchase lease; or
 (d) a homestead selection; or
 (e) a settlement lease,
- 5 applied for after the commencement of this Act, or any additional holding held in virtue thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or
 10 settlement lease, being a subdivision made under this Act, shall not be transferable, except by way of mortgage only,—
- (a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by
 15 transfer, will, in the opinion of the Minister, exceed a home maintenance area; or
- (b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that
 20 the area already held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.
- 25 (2) Application for permission to transfer, by way of sale, ^{Application.} mortgage, lease, or otherwise, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected, or if effected shall not be valid, unless the Minister's consent thereto has been obtained. The Minister shall have discretion
 30 to give or refuse such consent, and shall not refuse consent unless he has referred the matter to the board, and the board or the Land Appeal Court recommends that such consent should not be given. ~~Regulations may be made prescribing under what circumstances and conditions the Minister may consent to a mortgage to a person who~~
 35 ~~comes within paragraph (a) or paragraph (b) of the last preceding subsection.~~
- (3) When any such conditional purchase or conditional ^{Residence.} purchase lease, or any additional holding held in virtue thereof, is transferred (except by way of mortgage), the transferee shall, within
 40 three months after the Minister's consent to the transfer has been obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding; and the fact that residence by any former holder or transferee had been previously performed in respect of the said land shall not relieve the transferee
 45 from the fulfilment of the two years' residence as herein provided.
 Provided.

Crown Lands (Amendment).

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family, and the Minister may consent to a
 5 transfer of the land under this section before the expiration of the said period of residence.

Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before
 10 the completion of the ten years' residence attaching thereto.

(4) If any such purchase, lease, selection, or holding is mortgaged, and the mortgagee enters into possession of the same under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid, or for such
 15 further period as the Minister may permit.

But the mortgagee shall not, notwithstanding the terms of his mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Minister.

Such mortgagee shall not foreclose the mortgage except with
 20 the consent of the Minister. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions of subsection two of this section shall apply thereto.

Such mortgagee shall not transfer the land except in accordance with this section.

If within such period the mortgagee does not obtain the
 25 certificate of the Minister to a foreclosure, or does not transfer the purchase lease, selection, or holding in accordance with this section, the same shall be liable to forfeiture, and, on notification by the Minister in the Gazette, may be forfeited, and, therefore, shall revert
 30 to the Crown.

A foreclosure or transfer in contravention of this section shall be void.

The fact that the mortgagee, or some person by his authority, occupies or uses any part of the mortgaged land shall be prima facie
 35 evidence that the mortgagee has entered into possession of the land under the mortgage.

(5 4) If any such purchase, lease, selection, or holding devolves under a will or on intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may never-
 40 theless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit.

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section
 45 to be a transferee as aforesaid, receive from the Minister a certificate to

When mortgagee goes into possession.

Devolution on death.

Crown Lands (Amendment).

to that effect, which shall entitle him to hold such purchase, lease, selection, or holding; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or holding:

Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

(6 5) No transfer or conveyance or assignment in contravention of the provisions of this section shall be valid for any purposes whatsoever. Transfer, &c., void.

(7 6) The provisions of this section are extended so as to apply to any such original or additional conditional purchase or original or additional homestead selection, whether a grant in respect of the same has or has not issued: Application of section.

Provided that, notwithstanding anything in this Act or the Principal Acts to the contrary, where any land held under any tenure mentioned in this section has been held in continuous possession for not less than twenty-one years by any person who has fulfilled all the conditions of his tenure he shall be entitled to a certificate to that effect, and thereupon all restrictions upon transfer contained in any of the said Acts shall forthwith cease to operate. For this purpose the word "person" shall be deemed to include not only the original holder, but also his widow or direct descendant holding in succession to him;

Provided further that nothing in this section shall apply to any additional conditional purchase taken up by virtue of a conditional lease held at the commencement of this Act.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is repealed, and the following is substituted for it:— Subdivision of conditional purchase.

34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

Crown Lands (Amendment).

The application shall be made as prescribed, accompanied by the prescribed deposit, to be available for the payment of the costs of any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision thereof shall be attached.

The Minister may modify or refuse any application under this section.

After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and a new certificate issued for each part.

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional purchase, and may be separately transferred to a qualified person: But the holder of any such portion shall not be entitled to apply for an additional conditional purchase in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the Minister's permission in writing.

27. Subject to regulations to be made hereunder, the holder of any homestead selection or settlement lease or conditional purchase lease who desires to transfer a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the payment of the costs of any survey or reports which may be required. The applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement or conditional purchase lessee thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and may modify or refuse any application under this section.

After subdivision, the homestead selector or settlement or conditional purchase lessee shall surrender the grant (if issued) or the lease for the homestead selection or the settlement lease or conditional purchase lease, as the case may be, and separate grants or leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each

Crown Lands (Amendment).

Each part shall be capable of separate transfer to any qualified person, and, subject to the right of conversion under this Act, shall continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same conditions as if each were a separate homestead selection or settlement lease or conditional purchase lease: Provided that the holder of any such part shall not be entitled to apply for an additional homestead selection or an additional settlement lease or an additional conditional purchase lease in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease or conditional purchase lease unless he has previously obtained the Minister's permission in writing.

Removal of timber.

28. No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884.

Removal of timber from conditional purchases and homestead selections.

The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

29. Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available, and the land may thereupon, or at any time thereafter, be sold or otherwise dealt with under the Crown Lands Acts.

Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number twelve

Volunteer land order claim to grant.

Crown Lands (Amendment).

twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant
5 of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within ~~two~~ three years after the commencement of this Act.

All applications for grants of land in virtue of volunteer
10 land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and references in respect of any determination of a Board under this
15 section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension or remission of conditions.

31. If the person entitled to any holding under the Crown
Lands Acts is or has been prevented by sickness of himself or family
20 or other adverse or excusable circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as
25 prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed in any such village or town.

Suspension of performance of conditions.

The non-performance or breach of any condition so imposed by
30 the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

32. Notwithstanding anything to the contrary in subsection
four of section one of the Crown Lands (Amendment) Act, 1899, or
section nine of the Appraisalment Act, 1902, where on application for
35 appraisalment under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was
40 lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Annual payments on conditional purchases on appraisalment.

Additional

*Crown Lands (Amendment).**Additional settlement leases.*

33. The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held.

Term and
appraisalment of
rentals of additional
settlement leases.

Where any appraisalment is made of the rental of the original settlement lease, an appraisalment shall at the same time be also made of the rental of any such additional settlement lease.

Addition of areas to holding, or to lease or license.

34. Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister, on the recommendation of the local land board, be made, and the grant for the purchase or selection may include such additional land, notwithstanding that the land added may increase the area of such purchase or selection beyond the maximum prescribed by law.

Addition of remnant
areas to conditional
purchase or
homestead selection.

35. Payment for the added land shall be made at the same rate as is paid for the purchase or selection, or at the rate fixed by the Board on reference by the Minister.

Where, prior to the commencement of this Act, such an addition has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

36. Where vacant Crown land adjoins, is adjacent to, or is within the external boundaries of any lease or license, and the lessee or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may, by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law.

Addition of vacant
land to lease or
license.

The Board shall, in accordance with section six of the Crown Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to any lease or license of the same.

Exchange

*Crown Lands (Amendment).**Exchange of holdings.*

36. The following provisions are substituted for subsections two and three of section eleven of the Crown Lands Act Amendment Act 1903:—

5 (2) Notwithstanding anything to the contrary in the Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their
10 holdings or portions thereof: Provided that an exchange of portion of a holding may be permitted if the portions exchanged will, in the opinion of the Board, be within a reasonable working distance of the holdings to which they are to be attached.

(3) The condition of residence attaching to any portion of
15 a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits for conditional purchases.

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional
20 purchase or an additional conditional purchase (other than a non-residential conditional purchase), shall be at the rate of five per centum of the price of the land applied for.

The survey fees chargeable on all conditional purchases, conditional leases, homestead selections, settlement leases, and conditional
25 purchase leases, applied for after the commencement of this Act shall (unless the holder desires to pay the fee sooner) be paid in ten equal yearly instalments, with interest at the rate of four per centum per annum on the amount unpaid. Payment of the first of such instalments shall be made with the application.

30 Provided that an applicant shall not be required to pay a survey fee in respect of any land in connection with which a previous holder had paid such fee.

Improvements.

38. Notwithstanding anything to the contrary in the Crown
35 Lands Act of 1895, a condition in any improvement lease (whether executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

39. Where any surrendered lands are, before or after the
40 commencement of this Act, added to any adjoining holdings under section forty-seven of the Crown Lands Act of 1895, with a condition that

Crown Lands (Amendment).

that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Appraisalment of rent of conditional leases.

10 40. (1) Notwithstanding anything to the contrary in section thirty-five of the Crown Lands Act of 1895, an application by any conditional lessee, or a reference by the Minister, made prior to the commencement of this Act, to have the rent for the term following the first fifteen years period of any conditional lease determined in
15 accordance with the provisions of section six of the Crown Lands Act of 1889, shall not be invalid by reason only that such application or reference was not made within twelve months after the expiration of the said first period of the lease.

20 (2) But any application or reference as aforesaid made after the commencement of this Act shall be made within twelve months after the expiration of the said first period of the lease.

25 (3) Provided that if in any case the rent has not, before or after such commencement, been determined within twelve months after the expiration of the said first period of the lease, it shall, until such determination, be deemed to have been and to be payable at the same rate as was paid for the said first period.

Fencing.

30 41. In section one hundred and forty-one of the Crown Lands Act of 1884 the word "lease" in the expression "conditional purchase, or lease, or a homestead lease" shall include and be deemed to have included any lease other than an annual lease.

The same section is also amended by omitting the words "between conditional purchasers and contributories" and inserting in place thereof the words "under this section."

35

Amendment of Acts.

42. The several additions, alterations, substitutions, and omissions set out in the Schedule hereto shall be made in the sections and subsections of the Acts mentioned in such Schedule.

Regulations.

Crown Lands (Amendment).

Regulations.

43. For the purposes of this Act, the Governor may make Regulations, regulations prescribing the mode of procedure in connection with any application under this Act, and any conditions to be attached to and under which the subject of any such application may be given effect to and completed; also for the purpose of carrying this Act into full effect generally. ~~Such regulations upon being published in the Gazette shall be good and valid in law.~~

10 44. All regulations so made shall—

Regulations to be published.

- (i) be published in the Gazette;
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then
- 15 within seven days after the commencement of the next Session.

But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall

20 thereupon cease to have effect.

Application of Act.

44. 45. This Act shall apply only to the Central and Eastern Application Divisions of the State.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."
10 Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.
15 Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"
20 Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"
25 Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.
30 Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"
35 Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.
40 Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"
45 Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"
50 Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884.	96	The words "or license" are added after the word "lease" wherever occurring in the section.
10 Crown Lands Act of 1884.	98 subsec. (iii)	The words "or license fee" are added after the word "rent" wherever occurring in the section.
Crown Lands Act of 1884.	101	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
15 Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	136	"Minister" is substituted for "Governor."
20 Crown Lands Act of 1889.	4	The words "reserved from sale or lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
Crown Lands Act of 1889.	13	"Minister" is substituted for "Governor" in the definition of "scrub."
25		The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted.
30		The following words—"he may with applicant's written consent cause the land to be measured in a modified form and the land the subject of such modification shall be unavailable for any other application. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
Crown Lands Act of 1889.	14	The words "Where a declaration or consent required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration or consent to be furnished" are inserted after the word "requirements."
35		The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be more or less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
Crown Lands Act of 1889.	18	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor.
40		The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
Crown Lands Act of 1889.	25	The words "a conditional purchase" are inserted after the words "any applicant for"
45		
50		
Crown Lands Act of 1889.	26	

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1889.	26	The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.
		The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.
10 Crown Lands Act of 1889.	27	The words "at the discretion of the District Surveyor or" are inserted after the words "such portion may"
Crown Lands Act of 1889.	33	The words "(subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board"
15		The words "gazettal thereof" are substituted for the words "allotment or approved approval by the Board"
Crown Lands Act of 1889.	35 subsec. (ii)	The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
20		
Crown Lands Act of 1889.	37	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph.
25 Crown Lands Act of 1889.	39	"Minister" is substituted for "Governor"
		The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
30		
Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may, after report by the Board, permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
35		
40 Crown Lands Act of 1889.	44	The words "or any other person" are inserted after the words "by the owner of such improvements"
Crown Lands Act of 1889.	48	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	13 subsec. (i)	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
45		
	13 subsec. (ii)	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.
50		

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph :—" Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow : Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
Crown Lands Act of 1895.	25 subsec. (b) subsec. (d)	The word "instalment" is omitted and the word "amount" substituted.
		The words " Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act " are inserted at the end of the subsection.
	subsec. (f)	The words " The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for " are inserted at the end of the subsection.
Crown Lands Act of 1895.	27	After the first word "selection" in section twenty-seven, the following words are inserted :—" Unless in the opinion of the Board a larger area is required for the maintenance of a home thereon in average seasons and circumstances, in which case a home maintenance area may be granted by the board."
		The following words are added at the end of the section :—" Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection.
Crown Lands Act of 1895.	30 subsec. (a)	The words "up to and immediately" is are inserted after the word "has"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	30 subsec. (a)	The words "of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires" are substituted for the words "during which residence was previously carried on but not so as in any case to be reduced to less than five years"
10 Crown Lands Act of 1895.	40	The words "special conditional purchase leases" are added after the words "conditional purchase leases"
15 Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
20 Crown Lands Act of 1895.	40	The words "in respect of a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
25 Crown Lands Act of 1895.	41	The words "or holds under any tenure other than annual tenure" are added after the word "owns"
30 Crown Lands Act of 1895.		The words "or held under any such tenure" are added after the word "owned"
35		The words "lands granted in fee-simple or conditionally purchased or conditionally leased from the Crown shall alone be taken into account" are omitted, and the words "the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area" are substituted therefor.
40 Crown Lands Act of 1895.	43 subsec. (b)	"Minister" is substituted for "Governor."
45		The words "The allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
50 Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest."
Crown Lands Act of 1895.	49	The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.
10 Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
15 Crown Lands Act of 1895.	60	The words "or an incapable person" are added after the words "insane patient"
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.
25 Appraisement Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
30 Appraisement Act, 1902.	5	The following is inserted at the end of subsection one: "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board."
35		The following is added at the end of subsection two:—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
40 Appraisement Act, 1902.	10	The words "Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
45 Appraisement Act, 1902.	11	The words "to such purchase or lease" are omitted.
Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer provided that a reappraisement shall take place upon transfer in all cases where an appraisal has not taken place within three years previously" are inserted before the word "Provided."
50		The word "also" is added after the second word "provided"

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	11 subsec. (1)	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"
10 Crown Lands Act Amendment Act of 1903.	14	In the second paragraph the word "one" before the word "holder" is omitted. The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve and only" are inserted after the word "only" in the expression "and shall apply only in cases where"
15		The words "the passing of this Act" are substituted for the words "such date"
20		The following words are inserted after the word "series":— "Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"
25		In the last paragraph the word "also" is inserted before the words "that the Board"
30 Crown Lands Act Amendment Act of 1903.	15	The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"
35 Crown Lands Act Amendment Act of 1903.	17	The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.
40		
Crown Lands Act Amendment Act of 1903.	23	The words "held by him on the first day of January one thousand nine hundred and three" are omitted. The words "a lease under improvement conditions" is are substituted for the words "an improvement lease" The word "ten" is substituted for the word "seven"
45		
Crown Lands Act Amendment Act of 1903.	30	The words "the passing of this Act" are omitted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	33	The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"
10 Crown Lands Amendment Act of 1905.	4	A new paragraph in the following words:—"(e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."
15 Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section:—" (4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification."
20 Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph "(d) conditional purchase lease" is inserted after paragraph (c), and the words "or applicant for" are inserted next after the expression "the holder of" wherever occurring in the subsection.
25		Subsection (2) is repealed, and the following substituted:—"No application for an additional conditional purchase, additional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of."
30		In subsection (4) the words "or conditional purchase lease" are inserted after the words "settlement lease."
35 Crown Lands Amendment Act of 1905.	7	The words "on any question as to" after the word "section" and the whole of subsections (1) (2) (3) (4) and (5) and the words "a decision of the Board on any of the foregoing questions" are omitted. The word "it" is inserted after the word "refer"
40 Crown Lands Amendment Act of 1905.	8	In the last sentence the word "Minister" is substituted for the word "Board" and the words "by notice in the Gazette" are inserted between the words "may" and "attach," and the words "of the prescribed" are omitted.
45 Crown Lands Amendment Act of 1905.	9	The words "or conditional purchase leases" are inserted after the words "homestead selections," and the words "or conditional purchase lease" are inserted after the words "homestead selection," wherever appearing in the section.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment
5 Crown Lands Amendment Act of 1905.	10	In paragraph (a) the words "and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon" are omitted and the words "of such areas as the Minister may determine" substituted.
10 Crown Lands Amendment Act of 1905.	14	Paragraph (a) is omitted and the following words substituted therefor:—" (a) Land the total area of which does not exceed forty acres."
15		The words "and is not the holder of any land except— (a) town or suburban land as defined in the Principal Acts; or (b) land held as a tenant from a private holder" are omitted, and the words "or under the provisions of section forty-one of the Crown Lands Act of 1895 as amended by the Crown Lands (Amendment) Act, 1908," are substituted therefor.
20 Crown Lands Amendment Act of 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."
25		

[1s. 6d.]

Sydney: William Applegate Gullick, Government Printer.—1908.

CHRONOLOGICAL INDEX

1911-1912

Date	Event
1911	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1912	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1913	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1914	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1915	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1916	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1917	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1918	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1919	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.
1920	The first meeting of the Council of the Crown Lands Department was held on the 1st of January.

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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908. }*

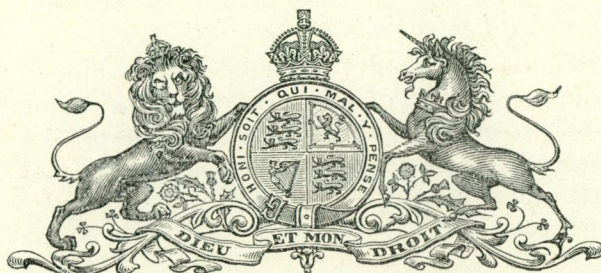
*RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.*

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

*Legislative Council Chamber,
Sydney, December, 1908. }*

Clerk of the Parliaments.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures ; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto.

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

5

Preliminary.

1. This Act shall come into force on the first day of ~~January~~ ^{Short title.} ~~February~~, one thousand nine hundred and nine, and may be cited as the "Crown Lands (Amendment) Act, 1908," and shall be construed with the Principal Acts.

17909

30—A

2.

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

Crown Lands (Amendment).

2. In this Act—

Interpretation.

“Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.

5 “Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, together with the Acts read or construed with or amending the same.

10 “Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

Conversion of homestead selections or grants.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant in respect of which before or after the commencement of this Act a forfeiture has not been incurred, or if incurred has been waived, not liable to forfeiture may convert the same into—

For conversion of homestead selection or grant.

(a) a conditional purchase lease; or

(b) a conditional purchase; or

20 (c) a conditional purchase and conditional lease, but so that the area comprised in such lease does not exceed three times the area comprised in the conditional purchase.

With any such application for conversion, a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase, as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act: Any balance of the said deposit shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall there-
30 upon be forfeited to His Majesty.

With any application for conversion of a homestead grant there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

35 Provided that in any such application made in respect of a homestead selection or grant under which is subject to a mortgage the mortgagee shall join:

Provided also that a person shall not, except with the permission of the Minister, convert more than one homestead selection or grant under this section.

40 (2) Such conversion shall not take effect until confirmed by the board.

Confirmation by board.

(3) The conditional purchase lease, or conditional purchase, or conditional purchase and conditional lease shall be subject—

Conditions of tenure.

45 (a) to any special conditions which attached to the homestead selection or grant; and

(b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant is converted, except that

(c)

Crown Lands (Amendment).

- (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by the period during which continuous residence has been performed by the applicant upon the homestead selection or grant ~~immediately prior to the application for conversion~~ **up to and immediately preceding the date of such confirmation: Provided that the period of any lawful exemption or relaxation shall be reckoned in such term of continuous residence;** and
- (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half per centum per annum, has been paid: **Provided, however, that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalment, and upon payment of the whole of the purchase money and interest to have issued to him a grant at any time after the other conditions attaching to the conditional purchase have been fulfilled.**
- (4) The words "homestead selection or grant" in this section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof. Definitions.
4. (1) Upon conversion of a homestead selection or grant into a conditional purchase lease or into a conditional purchase with or without a conditional lease the capital value of the land comprised in the conditional purchase lease for the first ten years thereof, or the price of the land comprised in the conditional purchase, or any additional conditional purchase made out of land comprised in the conditional lease, shall be the capital value upon which the rent of the homestead selection or grant was payable at the date of application for such conversion: Determination of capital value.
- Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after lodgment of such application direct, that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the capital value of a conditional purchase lease for the first ten years period thereof or the price of a conditional purchase or additional conditional purchase:
- Provided further that in so determining such value the Board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the homestead selection or grant. **If after reference by the Minister the applicant is dissatisfied with the appraisement of the board, he may within one month after such appraisement withdraw his application for conversion upon**

Crown Lands (Amendment).

upon payment of costs as assessed by the board, and thereupon the surrender of the homestead grant shall be inoperative, and shall be delivered up to the applicant or any person entitled thereto.

(2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

Conversion of settlement leases.

5. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any settlement lease in respect of which, before or after the commencement of this Act, a forfeiture has not been incurred, or if incurred has been waived, not liable to forfeiture may convert such lease into a conditional purchase or into a conditional purchase and conditional lease in the manner and subject to the conditions following:—

(a) When, in the opinion of the Board, the land comprised in such settlement lease, together with the area held by the applicant for conversion under any tenure other than annual tenure, does not exceed an area which, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall be into an original conditional purchase or into an original conditional purchase and a conditional lease, such lease not to exceed in area three times the area of the conditional purchase.

(b) When, in the opinion of the Board, the land comprised in the settlement lease together with any land held by the applicant for conversion under any tenure other than annual tenure exceeds such area, the conversion shall be—

(i) as to so much of the land comprised in the lease as the Board determines will not, with the other lands so held by applicant, exceed such area as aforesaid, or as to not less than one-fourth of such area into an original conditional purchase; and

(ii) as to the balance of the land comprised in the settlement lease into a conditional lease.

(c) In no case shall the area to be converted into a conditional purchase or additional conditional purchase be such that the unimproved value thereof exceeds three thousand pounds.

(d) If the applicant is dissatisfied with the determination of the Board as to the area which may be converted into a conditional purchase or additional conditional purchase, or as to the capital value thereof, he may, within one month thereafter, withdraw his application for conversion, upon payment of costs as assessed by the Board.

(e)

Conversion of
settlement leases.

Conditions necessary
to application.

Crown Lands (Amendment).

- (e) In an application for conversion in respect of a settlement lease under mortgage the mortgagee shall join.
- 5 (f) Such conversion shall not take effect until confirmed by the Board. **On such confirmation, the settlement lease shall be deemed to be surrendered to the Crown unless the application for conversion is withdrawn as hereinbefore provided.**
- 10 (g) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act.
- 15 (h) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.
- 20 (i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.
- 25 (2) The words "settlement lease" in this section mean Definition of settlement lease. and include an original settlement lease and any additional settlement lease held in virtue thereof.
- 30 **6. Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and conditional lease as aforesaid any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:—** Conditions upon conversion.
- 35 (a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.
- 40 (b) The rent payable in respect of any such conditional lease shall for the first ten-year period thereof be at the same rate per acre as was paid in respect of the settlement lease, **but shall be subject to appraisalment in respect of each succeeding term of ten years, or portion thereof.**
- 45 (c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, **and any other land held by the applicant under any tenure other than annual tenure, shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking,**

Crown Lands (Amendment).

ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and **the area of such original and additional conditional purchases** shall not exceed an area of which the unimproved value exceeds three thousand pounds.

(d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, **and any other land held by the applicant under any tenure other than annual tenure**, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act.

(e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

7. (1) Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within the area of such lease—shall be ~~such sum as would at two and a half per centum produce the annual rent payable on the settlement lease at the date of application for such conversion :~~ Price of and payment for conditional purchase on conversion.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after the lodgment of such application direct that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the price of a conditional purchase or additional conditional purchase.

(a) the capital value of the land comprised in the settlement lease as may have been determined by the board, or, if not so determined, such capital value as may have been notified in the Gazette notice setting apart the land for settlement lease; or

(b) if not so determined or notified, or if the Minister or the applicant is dissatisfied with the value as so determined or notified, such sum as the Minister and the applicant for conversion agree to, or, failing such agreement within the time prescribed, such sum as the board may determine on reference by the Minister, or on application by the applicant for conversion.

Provided

Crown Lands (Amendment).

Provided further that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease.

- 5 (2) The balance of the purchase money shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid. Payment of balance of purchase money.
- 10 8. The term of residence in respect of any conditional purchase or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid shall be ten years, but such term of residence shall be reduced by the period of continuous residence performed by the applicant ~~immediately prior to his application for such~~ Residence and suspension of residence.
- 15 ~~conversion up to and immediately preceding the date of confirmation.~~ The residence term shall commence on the date of the Board's confirmation of the conversion.
- 20 9. If the land comprised in a settlement lease has been reserved either wholly or in part from sale such reserved land shall not be convertible into a conditional purchase unless and until such reservation is revoked. Reserved land.

Conversion of non-residential conditional purchases.

- 25 10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase made under section forty-seven of the Crown Lands Act of 1884 not liable to forfeiture may on application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the Conversion of non-residential conditional purchase into original conditional purchase.
- 30 Principal Acts relating thereto:

Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder ~~immediately prior to~~ **up to and**

35 **immediately preceding** his application for such conversion.

- (2) All moneys paid on account of purchase money in respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be
- 40 so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid. Payment of price.

If

Crown Lands (Amendment).

If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

5 11. (1) Notwithstanding anything contained in the Principal Acts or the regulations thereunder, the registered holder of any special lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-
10 cane growing, tanks, tobacco-growing, or water conservation, or of any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—

- 15 (a) a conditional purchase lease or an additional conditional purchase lease ; or,
- (b) a conditional purchase or an additional conditional purchase ; or,
- (c) a homestead selection or an additional homestead selection ; or,
- (d) a settlement lease or an additional settlement lease ; or
- 20 (e) a conditional lease.

(2) Provided that—

- (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines ;
- 25 (b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area ;
- (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for.
- 30

Limitations to conversion.

(3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for
35 inquiry and report.

Application.

(4) If the land is wholly or in part within a travelling stock reserve, a camping reserve, or a water reserve, particulars of the application and of the time and place appointed for the Board's inquiry shall be notified in the Gazette, and attention shall be invited
40 thereto by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry.

(4 5) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board
deems

Grant of application.

Crown Lands (Amendment).

deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, subject to the provisions of section six of the Crown Lands Act of 1889.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

(5 6) The cost of any necessary survey or subdivision, and Deposit to be paid.
 10 any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty : Provided that at the request of applicant such survey may be deferred pending
 15 the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.

(6 7) Such conditional purchase lease, or additional con- Conditions.
 ditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection,
 20 or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to the general provisions of the Principal Acts in respect thereto, except that—

(a) the term of residence which shall commence within three months after the date of the Minister's approval of the
 25 conversion shall be reduced by the period during which continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or upon the holding in virtue of which the special lease or
 30 church and school lands lease has been converted into an additional holding or conditional lease ;

(b) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of
 35 application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

(7 8) Upon approval by the Minister of any conversion Price and rent.
 under this section the capital value of the land comprised in the
 40 conditional purchase lease, or the additional conditional purchase lease, or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional
 45 conditional purchase, shall be that determined by the Board as aforesaid.

General

Crown Lands (Amendment).

General provisions relating to conversions.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease. Surrender of conditional leases.
13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act. Savings.

Surrender of improvement and scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him— Advisory board to report as to improvements and scrub leases.
- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.
- (2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon. Power of entry and inspection.
15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to approval by resolutions of both Houses of Parliament. After such notification the owner may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period, and upon such conditions as may be agreed upon. Notification of surrender of lease.

Crown Lands (Amendment).

16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within 5 such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such compensation to be determined by a court as hereinafter provided.

Compensation payable to lessee.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final.

Determination of compensation by court.

(3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the 15 improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly—

Measure of compensation.

(a) the improvements in respect of which the lessee has or has not tenant right;

(b) any right of the Minister to withdraw the whole or any part of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land.

17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings in relation thereto.

Application of sections of Closer Settlement Act, 1904.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette.

Disposal of land.

Special conditional purchase leases.

19. (1) The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification: Provided that lands shall not be so set apart until they have for a period of at least six months been available for some class of residential holding under the Principal Acts. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, whether as to the whole or any part thereof, by notification by the Minister in the Gazette.

Special conditional purchase leases.

(2)

Crown Lands (Amendment).

(2) Any person having the qualifications specified in section fourteen of the Crown Lands Amendment Act of 1905 may, after the date specified by the Minister as aforesaid, apply for a special conditional purchase lease of any area not less than twenty and not exceeding
5 three hundred and twenty acres of land so set apart: Provided that in the event of any conflicting applications being received, whether original or additional, the board shall determine the order of priority in accordance with section twenty-eight of the Crown Lands Amendment Act of 1905.

10 (3) A deposit of rental at the rate of sixpence per acre
shall be made with the application, and a survey fee shall be paid as prescribed for conditional purchase leases under section thirteen of the Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design
15 thereof shall be as approved by the Minister.

20. Special conditional purchase leases shall not be subject to
any condition of residence, but shall be subject to any regulations made under this Act and to the provisions and conditions of conditional purchase leases as prescribed by the Crown Lands Amendment Act of
20 1905 and any Act amending the same, and shall also be subject to the following conditions:—

(a) The applicant shall effect substantial improvements on the land to a value of one pound per acre or such lesser value as the Minister may deem sufficient not being less than
25 ten shillings per acre; and

(b) Such improvements shall be completed within three years from date of confirmation of the application.

21. The capital value for the first period of ten years shall be
appraised by the Board, after survey, according to the capabilities and
30 situation of the land the timber thereon and the means of access thereto. For each succeeding period of ten years the board shall determine the capital value on a similar basis.

Additional conditional purchase leases.

22. (1) Any holder of a conditional purchase lease, whether
35 applied for before or after the commencement of this Act, or of any conditional purchase, being a conversion before or after such commencement of a conditional purchase lease, may make additional conditional purchase leases or additional conditional purchases, as the case may be, of Crown lands (other than lands exempt from conditional
40 purchase, or within areas set apart for a different class of holding) adjoining the original or any prior additional conditional purchase lease or conditional purchase, or within areas set apart under section four of the Crown Lands Act Amendment Act of 1905 for that class of additional holding :
Provided

Crown Lands (Amendment).

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

5 (2) A condition of ten years' residence shall attach to every Conditions.
additional conditional purchase lease or additional conditional purchase
under this section.

Provided that—

10 (a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence; but if an additional conditional purchase or
15 conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires.

20 (b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series.

(3) The provisions of the Principal Acts relating to original conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, mutatis mutandis, be applied to any additional conditional purchase lease or additional conditional purchase under this section. Application of Principal Acts.

(4) Original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase leases) Transfers.
30 of the same series shall be deemed to be one holding and shall not be transferred apart or held separately.

Residential lease.

23. (1) The holder of any residential lease including any Purchase of land
additional residential lease may at any time after the first five years comprised in
35 of his lease apply to purchase the land held thereunder. residential lease.

(2) Application shall be made as prescribed accompanied Application.
by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to
40 the Board for inquiry and report.

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend

Crown Lands (Amendment).

recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion
5 grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

19 Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall
15 be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

20 (4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Restriction of transfer.

25 24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or
30 conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Where a settlement lease, issued before or after the commence-
35 ment of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

40 25. (1) Notwithstanding anything to the contrary in the Principal Acts, — ~~an original conditional purchase or conditional purchase lease or homestead selection or settlement lease~~
45 (a) an original conditional purchase (other than an original conditional purchase into which a conditional purchase lease applied for prior to the commencement of this Act may be converted) ; or

(b)

Price and payment
of purchase money.

Only one purchase
may be held.

Limitation of
transfer of con-
ditional purchase
leases and settlement
leases.

Limitation of
transfer of con-
ditional purchase
leases, special
conditional purchase
leases, conditional
purchases,
homestead selections,
and settlement
leases, and
subdivisions of same.

Crown Lands (Amendment).

- (b) a conditional purchase lease ; or
 - (c) a special conditional purchase lease ; or
 - (d) a homestead selection ; or
 - (e) a settlement lease,
- 5 applied for after the commencement of this Act, or any additional holding held in virtue thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or
- 10 settlement lease, being a subdivision made under this Act, shall not be transferable, except by way of mortgage only,—
- (a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by transfer, will, in the opinion of the Minister, exceed a home maintenance area ; or
- 15
- (b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that
- 20 the area already held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.
- 25 (2) Application for permission to transfer, by way of sale, Application. mortgage, lease, or otherwise, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected, or if effected shall not be valid, unless the Minister's consent thereto has been obtained. The Minister shall have discretion
- 30 to give or refuse such consent, and shall not refuse consent unless he has referred the matter to the board, and the board or the Land Appeal Court recommends that such consent should not be given. ~~Regulations may be made prescribing under what circumstances and conditions the Minister may consent to a mortgage to a person who~~
- 35 ~~comes within paragraph (a) or paragraph (b) of the last preceding subsection.~~
- (3) When any such conditional purchase or conditional Residence. purchase lease, or any additional holding held in virtue thereof, is transferred (except by way of mortgage), the transferee shall, within
- 40 three months after the Minister's consent to the transfer has been obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding ; and the fact that residence by any former holder or transferee had been previously performed in respect of the said land shall not relieve the transferee
- 45 from the fulfilment of the two years' residence as herein provided .
Provided.

Crown Lands (Amendment).

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family, and the Minister may consent to a
 5 transfer of the land under this section before the expiration of the said period of residence.

Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before
 10 the completion of the ten years' residence attaching thereto.

(4) If any such purchase, lease, selection, or holding is mortgaged, and the mortgagee enters into possession of the same
 15 under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid, or for such further period as the Minister may permit.

When mortgagee goes into possession.

But the mortgagee shall not, notwithstanding the terms of his mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Minister.

Such mortgagee shall not foreclose the mortgage except with
 20 the consent of the Minister. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions of subsection two of this section shall apply thereto.

Such mortgagee shall not transfer the land except in accordance with this section.

25 If within such period the mortgagee does not obtain the certificate of the Minister to a foreclosure, or does not transfer the purchase lease, selection, or holding in accordance with this section, the same shall be liable to forfeiture, and, on notification by the Minister in the Gazette, may be forfeited, and, therefore, shall revert
 30 to the Crown.

A foreclosure or transfer in contravention of this section shall be void.

The fact that the mortgagee, or some person by his authority, occupies or uses any part of the mortgaged land shall be prima facie
 35 evidence that the mortgagee has entered into possession of the land under the mortgage.

(5 4) If any such purchase, lease, selection, or holding devolves under a will or on intestacy upon a person who is not qualified
 40 under this section to be a transferee thereof, such person may nevertheless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit.

Devolution on death.

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section
 45 to be a transferee as aforesaid, receive from the Minister a certificate

to

Crown Lands (Amendment).

to that effect, which shall entitle him to hold such purchase, lease, selection, or holding; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or
5 holding:

Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner
10 of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture,
15 and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

(6 5) No transfer or conveyance or assignment in contra-
vention of the provisions of this section shall be valid for any purposes
whatsoever. Transfer, &c., void.

20 (7 6) The provisions of this section are extended so as to
apply to any such original or additional conditional purchase or original
or additional homestead selection, whether a grant in respect of the
same has or has not issued: Application of section.

Provided that, notwithstanding anything in this Act or the
25 Principal Acts to the contrary, where any land held under any tenure mentioned in this section has been held in continuous possession for for not less than twenty-one years by any person who has fulfilled all the conditions of his tenure he shall be entitled to a certificate to that effect, and thereupon all restrictions upon transfer contained in
30 any of the said Acts shall forthwith cease to operate. For this purpose the word "person" shall be deemed to include not only the original holder, but also his widow or direct descendant holding in succession to him;

Provided further that nothing in this section shall apply to
35 any additional conditional purchase taken up by virtue of a conditional lease held at the commencement of this Act.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is
repealed, and the following is substituted for it:— Subdivision of conditional purchase.

40 34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

Crown Lands (Amendment).

The application shall be made as prescribed, accompanied by the prescribed deposit, to be available for the payment of the costs of any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access 5 to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion 10 of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision thereof shall be attached.

The Minister may modify or refuse any application under this section.

15 After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and a new certificate issued for each part.

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional 20 purchase, and may be separately transferred to a qualified person: But the holder of any such portion shall not be entitled to apply for an additional conditional purchase in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the 25 Minister's permission in writing.

27. Subject to regulations to be made hereunder, the holder of any homestead selection or settlement lease or conditional purchase lease who desires to transfer a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed 30 form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the payment of the costs of any survey or reports which may be required. The applicant shall surrender such land as may be necessary for providing roads of access to the 35 subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement or conditional purchase lessee thereto.

Subdivision of homestead selections, and settlement leases, and conditional purchase leases.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and may modify or 40 refuse any application under this section.

After subdivision, the homestead selector or settlement or conditional purchase lessee shall surrender the grant (if issued) or the lease for the homestead selection or the settlement lease or conditional purchase lease, as the case may be, and separate grants or 45 leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each

Crown Lands (Amendment).

Each part shall be capable of separate transfer to any qualified person, and, subject to the right of conversion under this Act, shall continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same
 5 conditions as if each were a separate homestead selection or settlement lease or conditional purchase lease: Provided that the holder of any such part shall not be entitled to apply for an additional homestead selection or an additional settlement lease or an additional conditional
 10 purchase lease in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease or conditional purchase lease unless he has previously obtained the Minister's permission in writing.

Removal of timber.

15 28. No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884. Removal of timber from conditional purchases and homestead selections.

20 The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the
 25 Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

30 29. Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the
 35 lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available, and the land may thereupon, or at any time thereafter, be sold or otherwise dealt with under the Crown
 40 Lands Acts. Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number Volunteer land order claim to grant.
 twelve

Crown Lands (Amendment).

twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant
5 of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within ~~two~~ three years after the commencement of this Act.

. All applications for grants of land in virtue of volunteer
10 land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and references in respect of any determination of a Board under this
15 section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension or remission of conditions.

31. If the person entitled to any holding under the Crown
Lands Acts is or has been prevented by sickness of himself or family
20 or other adverse or excusable circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as
25 prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed in any such village or town.

The non-performance or breach of any condition so imposed by
30 the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

32. Notwithstanding anything to the contrary in subsection
four of section one of the Crown Lands (Amendment) Act, 1899, or
section nine of the Appraisement Act, 1902, where on application for
35 appraisement under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was
40 lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Additional

Crown Lands (Amendment).

Additional settlement leases.

33. The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held. Term and appraisal of rentals of additional settlement leases.

Where any appraisal is made of the rental of the original settlement lease, an appraisal shall at the same time be also made of the rental of any such additional settlement lease.

Addition of areas to holding, or to lease or license.

10 34. Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister, on the recommendation of the local land board, be made, and the grant for the purchase or selection may include such additional land, notwithstanding that the land added may increase the area of such purchase or selection beyond the maximum prescribed by law. Addition of remnant areas to conditional purchase or homestead selection.

20 Payment for the added land shall be made at the same rate as is paid for the purchase or selection, or at the rate fixed by the Board on reference by the Minister.

Where, prior to the commencement of this Act, such an addition has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

35. Where vacant Crown land adjoins, is adjacent to, or is within the external boundaries of any lease or license, and the lessee or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may, by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law. Addition of vacant land to lease or license.

The Board shall, in accordance with section six of the Crown Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to any lease or license of the same.

Exchange

Crown Lands (Amendment).

Exchange of holdings.

36. The following provisions are substituted for subsections two and three of section eleven of the Crown Lands Act Amendment Act 1903:—

5 (2) Notwithstanding anything to the contrary in the Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their
10 holdings or portions thereof: Provided that an exchange of portion of a holding may be permitted if the portions exchanged will, in the opinion of the Board, be within a reasonable working distance of the holdings to which they are to be attached.

(3) The condition of residence attaching to any portion of
15 a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits for conditional purchases.

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional
20 purchase or an additional conditional purchase (other than a non-residential conditional purchase), shall be at the rate of five per centum of the price of the land applied for.

The survey fees chargeable on all conditional purchases, conditional leases, homestead selections, settlement leases, and conditional
25 purchase leases, applied for after the commencement of this Act shall (unless the holder desires to pay the fee sooner) be paid in ten equal yearly instalments, with interest at the rate of four per centum per annum on the amount unpaid. Payment of the first of such instalments shall be made with the application.

30 Provided that an applicant shall not be required to pay a survey fee in respect of any land in connection with which a previous holder had paid such fee.

Improvements.

38. Notwithstanding anything to the contrary in the Crown
35 Lands Act of 1895, a condition in any improvement lease (whether executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

39. Where any surrendered lands are, before or after the
commencement of this Act, added to any adjoining holdings under
40 section forty-seven of the Crown Lands Act of 1895, with a condition that

Crown Lands (Amendment).

that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Appraisalment of rent of conditional leases.

10 40. (1) Notwithstanding anything to the contrary in section A appraisalment of
thirty-five of the Crown Lands Act of 1895, an application by any ^{rent of conditional}
conditional lessee, or a reference by the Minister, made prior to the ^{lease.}
commencement of this Act, to have the rent for the term following
the first fifteen years period of any conditional lease determined in
15 accordance with the provisions of section six of the Crown Lands Act
of 1889, shall not be invalid by reason only that such application or
reference was not made within twelve months after the expiration of
the said first period of the lease.

(2) But any application or reference as aforesaid made
20 after the commencement of this Act shall be made within twelve
months after the expiration of the said first period of the lease.

(3) Provided that if in any case the rent has not, before
or after such commencement, been determined within twelve months
after the expiration of the said first period of the lease, it shall, until
25 such determination, be deemed to have been and to be payable at the
same rate as was paid for the said first period.

Fencing.

41. In section one hundred and forty-one of the Crown Lands ^{Amendment of}
Act of 1884 the word "lease" in the expression "conditional ^{s. 141 of Crown}
30 purchase, or lease, or a homestead lease" shall include and be deemed ^{Lands Act of 1884,}
to have included any lease other than an annual lease.

The same section is also amended by omitting the words
"between conditional purchasers and contributories" and inserting in
place thereof the words "under this section."

35

Amendment of Acts.

42. The several additions, alterations, substitutions, and ^{Amendments}
omissions set out in the Schedule hereto shall be made in the sections ^{specified in Schedule,}
and subsections of the Acts mentioned in such Schedule.

Regulations.

Crown Lands (Amendment).

Regulations.

43. For the purposes of this Act, the Governor may make Regulations.
regulations prescribing the mode of procedure in connection with any
application under this Act, and any conditions to be attached to and
5 under which the subject of any such application may be given effect
to and completed; also for the purpose of carrying this Act into full
effect generally. ~~Such regulations upon being published in the Gazette~~
~~shall be good and valid in law.~~

- 10 44. All regulations so made shall— Regulations to be
published.
(i) be published in the Gazette;
(ii) take effect from the date of publication, or from a later date
to be specified in such regulations; and
(iii) be laid before both Houses of Parliament within seven days
15 after publication if Parliament is in Session, and if not, then
within seven days after the commencement of the next
Session.

But if either House of the Parliament passes a resolution at any time
within fifteen sitting days after such regulations have been laid
before such House disallowing any regulation, such regulation shall
20 thereupon cease to have effect.

Application of Act.

44. 45. This Act shall apply only to the Central and Eastern Application
Divisions of the State.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."
10 Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.
15 Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"
20 Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"
25 Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.
30 Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"
35 Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.
40 Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"
45 Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"
50 Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884.	96	The words "or license" are added after the word "lease" wherever occurring in the section.
Crown Lands Act of 1884.	98	The words "or license fee" are added after the word "rent" wherever occurring in the section.
10 Crown Lands Act of 1884.	subsec. (iii)	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
Crown Lands Act of 1884.	101	"Minister" is substituted for "Governor."
15 Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	136	The words "reserved from sale or lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
20 Crown Lands Act of 1889.	4	"Minister" is substituted for "Governor" in the definition of "scrub."
Crown Lands Act of 1889.	13	The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted.
25		The following words—"he may with applicant's written consent cause the land to be measured in a modified form and the land the subject of such modification shall be unavailable for any other application. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
Crown Lands Act of 1889.	14	The words "Where a declaration or consent required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration or consent to be furnished" are inserted after the word "requirements."
35		
Crown Lands Act of 1889.	18	The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be more or less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
40		
Crown Lands Act of 1889.	25	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor.
45		
		The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
50 Crown Lands Act of 1889.	26	The words "a conditional purchase" are inserted after the words "any applicant for"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1889.	26	The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.
10 Crown Lands Act of 1889.	27	The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.
Crown Lands Act of 1889.	33	The words "(subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board"
15		The words "gazettal thereof" are substituted for the words "allotment or approved approval by the Board"
Crown Lands Act of 1889.	35 subsec. (ii)	The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
20		
Crown Lands Act of 1889.	37	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph.
25 Crown Lands Act of 1889.	39	"Minister" is substituted for "Governor"
30		The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may, after report by the Board, permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
35		
40 Crown Lands Act of 1889.	44	The words "or any other person" are inserted after the words "by the owner of such improvements"
Crown Lands Act of 1889.	48	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	13 subsec. (i)	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
45		
50	13 subsec. (ii)	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."
10 Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph:—"Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow: Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
15		
20		
25 Crown Lands Act of 1895.	25	The word "instalment" is omitted and the word "amount" substituted.
30	subsec. (b) subsec. (d)	The words "Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act" are inserted at the end of the subsection.
35	subsec. (f)	The words "The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for" are inserted at the end of the subsection.
40 Crown Lands Act of 1895.	27	After the first word "selection" in section twenty-seven, the following words are inserted:—"Unless in the opinion of the Board a larger area is required for the maintenance of a home thereon in average seasons and circumstances, in which case a home maintenance area may be gazetted by the board."
45		The following words are added at the end of the section:—"Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection."
50 Crown Lands Act of 1895.	30 subsec. (a)	The words "up to and immediately" is are inserted after the word "has"

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	30 subsec. (a)	The words "of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires" are substituted for the words "during which residence was previously carried on but not so as in any case to be reduced to less than five years"
10 Crown Lands Act of 1895.	40	The words "special conditional purchase leases" are added after the words "conditional purchase leases"
15 Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
20 Crown Lands Act of 1895.	40	The words "in respect of a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
25 Crown Lands Act of 1895.	41	The words "or holds under any tenure other than annual tenure" are added after the word "owns"
30 Crown Lands Act of 1895.		The words "or held under any such tenure" are added after the word "owned"
35 Crown Lands Act of 1895.		The words "lands granted in fee-simple or conditionally purchased or conditionally leased from the Crown shall alone be taken into account" are omitted, and the words "the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area" are substituted therefor.
40 Crown Lands Act of 1895.	43	"Minister" is substituted for "Governor."
45 Crown Lands Act of 1895.	subsec. (b)	The words "The allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
50 Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest."
Crown Lands Act of 1895.	49	The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.
10 Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
15 Crown Lands Act of 1895.	60	The words "or an incapable person" are added after the words "insane patient"
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.
25 Appraisement Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
30 Appraisement Act, 1902.	5	The following is inserted at the end of subsection one: "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board."
35		The following is added at the end of subsection two:—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
40 Appraisement Act, 1902.	10	The words "Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
45 Appraisement Act, 1902.	11	The words "to such purchase or lease" are omitted.
Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer provided that a reappraisement shall take place upon transfer in all cases where an appraisement has not taken place within three years previously" are inserted before the word "Provided."
50		The word "also" is added after the second word "provided"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	11 subsec. (1)	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"
10 Crown Lands Act Amendment Act of 1903.	14	In the second paragraph the word "one" before the word "holder" is omitted. The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve and only" are inserted after the word "only" in the expression "and shall apply only in cases where"
15		The words "the passing of this Act" are substituted for the words "such date"
20		The following words are inserted after the word "series":— "Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"
25		In the last paragraph the word "also" is inserted before the words "that the Board"
30 Crown Lands Act Amendment Act of 1903.	15	The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"
35 Crown Lands Act Amendment Act of 1903.	17	The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.
40		
Crown Lands Act Amendment Act of 1903.	23	The words "held by him on the first day of January one thousand nine hundred and three" are omitted. The words "a lease under improvement conditions" is substituted for the words "an improvement lease" The word "ten" is substituted for the word "seven"
45		
Crown Lands Act Amendment Act of 1903.	30	The words "the passing of this Act" are omitted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	33	The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"
10 Crown Lands Amendment Act of 1905.	4	A new paragraph in the following words:—"(e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."
15 Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section:—" (4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification."
20 Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph "(d) conditional purchase lease" is inserted after paragraph (c), and the words "or applicant for" are inserted next after the expression "the holder of" wherever occurring in the subsection.
25		Subsection (2) is repealed, and the following substituted:—"No application for an additional conditional purchase, additional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of."
30		In subsection (4) the words "or conditional purchase lease" are inserted after the words "settlement lease."
35 Crown Lands Amendment Act of 1905.	7	The words "on any question as to" after the word "section" and the whole of subsections (1) (2) (3) (4) and (5) and the words "a decision of the Board on any of the foregoing questions" are omitted. The word "it" is inserted after the word "refer"
40 Crown Lands Amendment Act of 1905.	8	In the last sentence the word "Minister" is substituted for the word "Board" and the words "by notice in the Gazette" are inserted between the words "may" and "attach," and the words "of the prescribed" are omitted.
45 Crown Lands Amendment Act of 1905.	9	The words "or conditional purchase leases" are inserted after the words "homestead selections," and the words "or conditional purchase lease" are inserted after the words "homestead selection," wherever appearing in the section.

Crown Lands (Amendment)

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment
5 Crown Lands Amendment Act of 1905.	10	In paragraph (a) the words "and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon" are omitted and the words "of such areas as the Minister may determine" substituted.
10 Crown Lands Amendment Act of 1905.	14	Paragraph (a) is omitted and the following words substituted therefor:—" (a) Land the total area of which does not exceed forty acres "
15		The words "and is not the holder of any land except— (a) town or suburban land as defined in the Principal Acts; or (b) land held as a tenant from a private holder" are omitted, and the words "or under the provisions of section forty-one of the Crown Lands Act of 1895 as amended by the Crown Lands (Amendment) Act, 1908," are substituted therefor.
20		
25 Crown Lands Amendment Act of 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."

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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto.

(As amended in Committee of the Whole.)

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

5

Preliminary.

1. This Act shall come into force on the first day of January, ^{Short title.} one thousand nine hundred and nine, and may be cited as the "Crown Lands (Amendment) Act, 1908," and shall be construed with the Principal Acts.

17909

30—A

2.

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

Crown Lands (Amendment).

2. In this Act—

Interpretation.

“Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.

5 “Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, together with the Acts read or construed with or amending the same.

10 “Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

Conversion of homestead selections or grants.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant in respect of which before or after the commencement of this Act a forfeiture has not been incurred, or if incurred has been waived, not liable to forfeiture may convert the same into—

For conversion of homestead selection or grant.

- (a) a conditional purchase lease; or
- (b) a conditional purchase; or
- 20 (c) a conditional purchase and conditional lease, but so that the area comprised in such lease does not exceed three times the area comprised in the conditional purchase.

With any such application for conversion, a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase, as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act: Any balance of the said deposit shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty.

With any application for conversion of a homestead grant there shall be forwarded a surrender of such grant to the Crown. Such surrender shall be in the form prescribed.

35 Provided that in any such application made in respect of a homestead selection or grant under which is subject to a mortgage the mortgagee shall join:

Provided also that a person shall not, except with the permission of the Minister, convert more than one homestead selection or grant under this section.

(2) Such conversion shall not take effect until confirmed by the board.

Confirmation by board.

(3) The conditional purchase lease, or conditional purchase, or conditional purchase and conditional lease shall be subject—

Conditions of tenure.

- 45 (a) to any special conditions which attached to the homestead selection or grant; and
- (b)

Crown Lands (Amendment).

- (b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant is converted, except that
- 5 (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by the period during which continuous residence has been performed by the applicant upon the homestead selection or grant ~~immediately prior to the application for conversion~~ up to and immediately preceding the date of such confirmation: **Provided that the period of any lawful exemption or relaxation shall be reckoned in such term of continuous residence; and**
- 10 (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half per centum per annum, has been paid: **Provided, however, that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalment, and upon**
- 15 **payment of the whole of the purchase money and interest to have issued to him a grant at any time after the other conditions attaching to the conditional purchase have been fulfilled.**
- 20

(4) The words "homestead selection or grant" in this section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof. Definitions.

4. (1) Upon conversion of a homestead selection or grant into a conditional purchase lease or into a conditional purchase with or without a conditional lease the capital value of the land comprised in the conditional purchase lease for the first ten years thereof, or the price of the land comprised in the conditional purchase, or any additional conditional purchase made out of land comprised in the conditional lease, shall be the capital value upon which the rent of the homestead selection or grant was payable at the date of application for such conversion: Determination of capital value.

35 **Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after lodgment of such application direct, that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such**

40 **case the capital value so determined shall be the capital value of a conditional purchase lease for the first ten years period thereof or the price of a conditional purchase or additional conditional purchase:**

Provided further that in so determining such value the Board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the homestead selection

Crown Lands (Amendment).

selection or grant. If after reference by the Minister the applicant is dissatisfied with the appraisalment of the board, he may within one month after such appraisalment withdraw his application for conversion upon payment of costs as assessed by the board.

- 5 (2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

Conversion of settlement leases.

- 10 5. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any settlement lease in respect of which, before or after the commencement of this Act, a forfeiture has not been incurred, or if incurred has been waived, **not liable to forfeiture** may convert such lease into a conditional purchase or into a conditional purchase and conditional lease in the manner and subject to the conditions following:—

- 15 (a) When, in the opinion of the Board, the land comprised in such settlement lease, together with the area held by the applicant for conversion under any tenure other than annual tenure, does not exceed an area which, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall be into an original conditional purchase or into an original conditional purchase and a conditional lease, such lease not to exceed in area three times the area of the conditional purchase.

- 20 (b) When, in the opinion of the Board, the land comprised in the settlement lease together with any land held by the applicant for conversion under any tenure other than annual tenure exceeds such area, the conversion shall be—

- 25 (i) as to so much of the land comprised in the lease as the Board determines will not, **with the other lands so held by applicant**, exceed such area as aforesaid, or as to not less than one-fourth of such area into an original conditional purchase; and

- 30 (ii) as to the balance of the land comprised in the settlement lease into a conditional lease.

- 35 (c) In no case shall the area to be converted into a conditional purchase or additional conditional purchase be such that the unimproved value thereof exceeds three thousand pounds.

- 40 (d) If the applicant is dissatisfied with the determination of the Board as to the area which may be converted into a conditional purchase or additional conditional purchase, he may, within one month thereafter, withdraw his application for conversion, upon payment of costs as assessed by the Board.

(e)

Crown Lands (Amendment).

- (e) In an application for conversion in respect of a settlement lease under mortgage the mortgagee shall join.
- (f) Such conversion shall not take effect until confirmed by the Board. **On such confirmation, the settlement lease shall be deemed to be surrendered to the Crown.**
- (g) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act.
- (h) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.
- (i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.

(2) The words "settlement lease" in this section mean and include an original settlement lease and any additional settlement lease held in virtue thereof.

Definition of settlement lease.

6. Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and conditional lease as aforesaid any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:—

Conditions upon conversion.

- (a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.
- (b) The rent payable in respect of any such conditional lease shall for the first ten-year period thereof be at the same rate per acre as was paid in respect of the settlement lease, **but shall be subject to appraisalment in respect of each succeeding term of ten years, or portion thereof.**
- (c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, **and any other land held by the applicant under any tenure other than annual tenure,** shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking,

Crown Lands (Amendment).

ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and the area of such original and additional conditional purchases shall not exceed an area of which the unimproved value exceeds three thousand pounds.

(d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, and any other land held by the applicant under any tenure other than annual tenure, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act.

(e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

7. (1) Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within the area of such lease—shall be such sum as would at two and a half per centum produce the annual rent payable on the settlement lease at the date of application for such conversion :

Price of and payment
for conditional
purchase on
conversion.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may within three months after the lodgment of such application direct that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the price of a conditional purchase or additional conditional purchase.

(a) the capital value of the land comprised in the settlement lease as may have been determined by the board, or, if not so determined, such capital value as may have been notified in the Gazette notice setting apart the land for settlement lease ; or

(b) if not so determined or notified, or if the Minister or the applicant is dissatisfied with the value as so determined or notified, such sum as the Minister and the applicant for conversion agree to, or, failing such agreement within the time prescribed, such sum as the board may determine on reference by the Minister, or on application by the applicant for conversion.

Provided

Crown Lands (Amendment).

Provided further that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease.

5 (2) The balance of the purchase money shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid. Payment of balance of purchase money.

10 8. The term of residence in respect of any conditional purchase or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid shall be ten years, but such term of residence shall be reduced by the period of continuous residence performed by the applicant immediately prior to his application for such Residence and suspension of residence.

15 conversion up to and immediately preceding the date of confirmation. The residence term shall commence on the date of the Board's confirmation of the conversion.

9. If the land comprised in a settlement lease has been reserved either wholly or in part from sale such reserved land shall not be Reserved land.

20 convertible into a conditional purchase unless and until such reservation is revoked.

Conversion of non-residential conditional purchases.

10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase made under section forty-seven of the Crown Lands Act of 1884 not liable to forfeiture may on application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the Conversion of non-residential conditional purchase into original conditional purchase.

25 Principal Acts relating thereto:

30 Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder immediately prior to up to and

35 immediately preceding his application for such conversion.

(2) All moneys paid on account of purchase money in respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be Payment of price.

40 so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid.

If

Crown Lands (Amendment).

If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

5 11. (1) Notwithstanding anything contained in the Principal Acts or the regulations thereunder, the registered holder of any special lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-
10 cane growing, tanks, tobacco-growing, or water conservation, or of any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—

- 15 (a) a conditional purchase lease or an additional conditional purchase lease ; or,
- (b) a conditional purchase or an additional conditional purchase ; or,
- (c) a homestead selection or an additional homestead selection ; or,
- (d) a settlement lease or an additional settlement lease ; or
- 20 (e) a conditional lease.

(2) Provided that—

- (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines ;
- 25 (b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area ;
- 30 (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for.

Limitations to conversion.

(3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for
35 inquiry and report.

Application.

(4) If the land is wholly or in part within a travelling stock reserve, a camping reserve, or a water reserve, particulars of the application and of the time and place appointed for the Board's inquiry shall be notified in the Gazette, and attention shall be invited
40 thereto by advertisement in a local newspaper not less than fourteen days before the holding of the said inquiry.

(4 5) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board
deems

Grant of application.

Crown Lands (Amendment).

deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, subject to the provisions of section six of the Crown Lands Act of 1889.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

(5 6) The cost of any necessary survey or subdivision, and Deposit to be paid.
 10 any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending
 15 the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.

(6 7) Such conditional purchase lease, or additional con- Conditions.
 ditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection,
 20 or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to the general provisions of the Principal Acts in respect thereto, except that—

(a) the term of residence which shall commence within three
 25 months after the date of the Minister's approval of the conversion shall be reduced by the period during which continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or
 30 upon the holding in virtue of which the special lease or church and school lands lease has been converted into an additional holding or conditional lease;

(b) the purchase money of any conditional purchase shall be paid
 by annual instalments of five per centum thereof, com-
 35 mencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

(7 8) Upon approval by the Minister of any conversion Price and rent.
 under this section the capital value of the land comprised in the
 40 conditional purchase lease, or the additional conditional purchase lease, or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional
 45 conditional purchase, shall be that determined by the Board as aforesaid.

General

Crown Lands (Amendment).

General provisions relating to conversions.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease.
13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act.

Surrender of conditional leases.

Savings.

Surrender of improvement and scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him—
- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.
- (2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.
15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to approval by resolutions of both Houses of Parliament. After such notification the owner may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period, and upon such conditions as may be agreed upon.

Advisory board to report as to improvements and scrub leases.

Power of entry and inspection.

Notification of surrender of lease.

Crown Lands (Amendment).

16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within 5 such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such compensation to be determined by a court as hereinafter provided.

Compensation payable to lessee.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement 10 Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final.

Determination of compensation by court.

(3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the 15 improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly—

Measure of compensation.

- (a) the improvements in respect of which the lessee has or has not tenant right;
- (b) any right of the Minister to withdraw the whole or any part 20 of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land.

17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, 25 and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings in relation thereto.

Application of sections of Closer Settlement Act, 1904.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act 30 shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette.

Disposal of land.

Special conditional purchase leases.

19. (1) The Minister may, by notification in the Gazette, set apart 35 any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification: Provided that lands shall not be so set apart until they have for a period of at least six months been available for some 40 class of residential holding under the Principal Acts. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, 45 whether as to the whole or any part thereof, by notification by the Minister in the Gazette.

Special conditional purchase leases.

(2)

Crown Lands (Amendment).

(2) Any person having the qualifications specified in section Application.
fourteen of the Crown Lands Amendment Act of 1905 may, after the
date specified by the Minister as aforesaid, apply for a special conditional
purchase lease of any area not less than twenty and not exceeding
5 three hundred and twenty acres of land so set apart: Provided that
in the event of any conflicting applications being received, whether
original or additional, the board shall determine the order of priority
in accordance with section twenty-eight of the Crown Lands
Amendment Act of 1905.

10 (3) A deposit of rental at the rate of sixpence per acre Deposit.
shall be made with the application, and a survey fee shall be paid as
prescribed for conditional purchase leases under section thirteen of the
Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design
15 thereof shall be as approved by the Minister.

20. Special conditional purchase leases shall not be subject to Conditions.
any condition of residence, but shall be subject to any regulations made
under this Act and to the provisions and conditions of conditional
purchase leases as prescribed by the Crown Lands Amendment Act of
20 1905 and any Act amending the same, and shall also be subject to
the following conditions:—

(a) The applicant shall effect substantial improvements on the
land to a value of one pound per acre or such lesser value
as the Minister may deem sufficient not being less than
25 ten shillings per acre; and

(b) Such improvements shall be completed within three years
from date of confirmation of the application.

21. The capital value for the first period of ten years shall be Capital value.
appraised by the Board, after survey, according to the capabilities and
20 situation of the land the timber thereon and the means of access
thereto. For each succeeding period of ten years the board shall
determine the capital value on a similar basis.

Additional conditional purchase leases.

22. (1) Any holder of a conditional purchase lease, whether Additional
35 applied for before or after the commencement of this Act, or of conditional purchase
any conditional purchase, being a conversion before or after such
commencement of a conditional purchase lease, may make additional
conditional purchase leases or additional conditional purchases, as the
case may be, of Crown lands (other than lands exempt from conditional
40 purchase, or within areas set apart for a different class of holding)
adjoining the original or any prior additional conditional purchase
lease or conditional purchase, or within areas set apart under section
four of the Crown Lands Act Amendment Act of 1905 for that class
of additional holding: Provided

Crown Lands (Amendment).

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

5 (2) A condition of ten years' residence shall attach to every Conditions.
additional conditional purchase lease or additional conditional purchase under this section.

Provided that—

10 (a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence; but if an additional conditional purchase or
15 conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires.

20 (b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series.

(3) The provisions of the Principal Acts relating to original conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, mutatis mutandis, be applied to any additional conditional purchase lease or additional conditional purchase under this section. Application of Principal Acts.

(4) Original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase leases) of the same series shall be deemed to be one holding and shall not be transferred apart or held separately. Transfers.

Residential lease.

23. (1) The holder of any residential lease including any additional residential lease may at any time after the first five years of his lease apply to purchase the land held thereunder. Purchase of land comprised in residential lease.

(2) Application shall be made as prescribed accompanied by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to the Board for inquiry and report. Application.

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend

Crown Lands (Amendment).

recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion
5 grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

10 Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall
15 be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

20 (4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Price and payment
of purchase money.

Only one purchase
may be held.

Restriction of transfer.

25 24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement
30 of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Limitation of
transfer of con-
ditional purchase
leases and settlement
leases.

Where a settlement lease, issued before or after the commence-
35 ment of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

40 25. (1) Notwithstanding anything to the contrary in the Principal Acts,—an original conditional purchase or conditional purchase lease or homestead selection or settlement lease

Limitation of
transfer of con-
ditional purchase
leases, special
conditional purchase
leases, conditional
purchases,
homestead selections,
and settlement
leases, and
subdivisions of same.

(a) an original conditional purchase (other than an original conditional purchase into which a conditional purchase lease applied for prior to the commencement of this Act may be converted) ; or
45

(b)

Crown Lands (Amendment).

- (b) a conditional purchase lease; or
 (c) a special conditional purchase lease; or
 (d) a homestead selection; or
 (e) a settlement lease,
- 5 applied for after the commencement of this Act, or any additional holding held in virtue thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or
- 10 settlement lease, being a subdivision made under this Act, shall not be transferable, except by way of mortgage only,—
- (a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by
- 15 transfer, will, in the opinion of the Minister, exceed a home maintenance area; or
- (b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that
- 20 the area already held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.
- 25 (2) Application for permission to transfer, by way of sale, ^{Application.} mortgage, lease, or otherwise, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected, or if effected shall not be valid, unless the Minister's consent thereto has been obtained. The Minister shall have discretion
- 30 to give or refuse such consent, and shall not refuse consent unless he has referred the matter to the board, and the board or the Land Appeal Court recommends that such consent should not be given. ~~Regulations may be made prescribing under what circumstances and conditions the Minister may consent to a mortgage to a person who~~
- 35 ~~comes within paragraph (a) or paragraph (b) of the last preceding subsection.~~
- (3) When any such conditional purchase or conditional ^{Residence.} purchase lease, or any additional holding held in virtue thereof, is transferred (except by way of mortgage), the transferee shall, within
- 40 three months after the Minister's consent to the transfer has been obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding; and the fact that residence by any former holder or transferee had been previously performed in respect of the said land shall not relieve the transferee
- 45 from the fulfilment of the two years' residence as herein provided:
 Provided

Crown Lands (Amendment).

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family, and the Minister may consent to a
 5 transfer of the land under this section before the expiration of the said period of residence.

Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before
 10 the completion of the ten years' residence attaching thereto.

(4) If any such purchase, lease, selection, or holding is mortgaged, and the mortgagee enters into possession of the same under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid, or for such
 15 further period as the Minister may permit.

But the mortgagee shall not, notwithstanding the terms of his mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Minister.

Such mortgagee shall not foreclose the mortgage except with
 20 the consent of the Minister. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions of subsection two of this section shall apply thereto.

Such mortgagee shall not transfer the land except in accordance with this section.

25 If within such period the mortgagee does not obtain the certificate of the Minister to a foreclosure, or does not transfer the purchase lease, selection, or holding in accordance with this section, the same shall be liable to forfeiture, and, on notification by the Minister in the Gazette, may be forfeited, and, therefore, shall revert
 30 to the Crown.

A foreclosure or transfer in contravention of this section shall be void.

The fact that the mortgagee, or some person by his authority, occupies or uses any part of the mortgaged land shall be prima facie
 35 evidence that the mortgagee has entered into possession of the land under the mortgage.

(5 4) If any such purchase, lease, selection, or holding devolves under a will or on intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may never-
 40 theless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit.

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section
 45 to be a transferee as aforesaid, receive from the Minister a certificate

to

When mortgagee goes into possession.

Devolution on death.

Crown Lands (Amendment).

to that effect, which shall entitle him to hold such purchase, lease, selection, or holding ; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or
5 holding :

Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner
10 of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture,
15 and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

(6 5) No transfer or conveyance or assignment in contra- Transfer, &c., void.
vention of the provisions of this section shall be valid for any purposes whatsoever.

20 (7 6) The provisions of this section are extended so as to Application of
apply to any such original or additional conditional purchase or original section.
or additional homestead selection, whether a grant in respect of the same has or has not issued :

Provided that, notwithstanding anything in this Act or the
25 Principal Acts to the contrary, where any land held under any tenure mentioned in this section has been held in continuous possession for for not less than twenty-one years by any person who has fulfilled all the conditions of his tenure he shall be entitled to a certificate to that effect, and thereupon all restrictions upon transfer contained in
30 any of the said Acts shall forthwith cease to operate. For this purpose the word " person " shall be deemed to include not only the original holder, but also his widow or direct descendant holding in succession to him ;

Provided further that nothing in this section shall apply to
35 any additional conditional purchase taken up by virtue of a conditional lease held at the commencement of this Act.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is Subdivision of
repealed, and the following is substituted for it :— conditional purchase.

40 34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

Crown Lands (Amendment).

The application shall be made as prescribed, accompanied by the prescribed deposit, to be available for the payment of the costs of any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access 5 to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion 10 of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision thereof shall be attached.

The Minister may modify or refuse any application under this section.

15 After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and a new certificate issued for each part.

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional 20 purchase, and may be separately transferred to a qualified person: But the holder of any such portion shall not be entitled to apply for an additional conditional purchase in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the 25 Minister's permission in writing.

27. Subject to regulations to be made hereunder, the holder of any homestead selection or settlement lease or conditional purchase 30 lease who desires to transfer a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the payment of the costs of any survey or reports which may be required. The applicant shall surrender such 35 land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement or conditional purchase lessee thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and may modify or 40 refuse any application under this section.

After subdivision, the homestead selector or settlement or conditional purchase lessee shall surrender the grant (if issued) or the lease for the homestead selection or the settlement lease or conditional purchase lease, as the case may be, and separate grants or 45 leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each

Crown Lands (Amendment).

Each part shall be capable of separate transfer to any qualified person, and, subject to the right of conversion under this Act, shall continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same conditions as if each were a separate homestead selection or settlement lease **or conditional purchase lease**: Provided that the holder of any such part shall not be entitled to apply for an additional homestead selection or an additional settlement lease **or an additional conditional purchase lease** in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease **or conditional purchase lease** unless he has previously obtained the Minister's permission in writing.

Removal of timber.

15 **28.** No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884. Removal of timber from conditional purchases and homestead selections.

20 The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

30 **29.** Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available, and the land may thereupon, or at any time thereafter, be sold or otherwise dealt with under the Crown Lands Acts. Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number twelve Volunteer land order claim to grant.

Crown Lands (Amendment).

twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant 5 of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within ~~two~~ three 10 years after the commencement of this Act.

All applications for grants of land in virtue of volunteer 10 land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and 15 references in respect of any determination of a Board under this section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension or remission of conditions.

31. If the person entitled to any holding under the Crown Lands Acts is or has been prevented by sickness of himself or family 20 or other adverse or excusable circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as 25 prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed in any such village or town.

The non-performance or breach of any condition so imposed by 30 the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

32. Notwithstanding anything to the contrary in subsection 35 four of section one of the Crown Lands (Amendment) Act, 1899, or section nine of the Appraisalment Act, 1902, where on application for appraisalment under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was 40 lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Additional

Crown Lands (Amendment).

Additional settlement leases.

33. The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held. Term and appraisal of rentals of additional settlement leases.

Where any appraisalment is made of the rental of the original settlement lease, an appraisalment shall at the same time be also made of the rental of any such additional settlement lease.

Addition of areas to holding, or to lease or license.

34. Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister, on the recommendation of the local land board, be made, and the grant for the purchase or selection may include such additional land, notwithstanding that the land added may increase the area of such purchase or selection beyond the maximum prescribed by law. Addition of remnant areas to conditional purchase or homestead selection.

35. Payment for the added land shall be made at the same rate as is paid for the purchase or selection, or at the rate fixed by the Board on reference by the Minister.

Where, prior to the commencement of this Act, such an addition has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

36. Where vacant Crown land adjoins, is adjacent to, or is within the external boundaries of any lease or license, and the lessee or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may, by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law. Addition of vacant land to lease or license.

The Board shall, in accordance with section six of the Crown Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to any lease or license of the same.

Exchange

*Crown Lands (Amendment).**Exchange of holdings.*

36. The following provisions are substituted for subsections two and three of section eleven of the Crown Lands Act Amendment Act 1903:—

5 (2) Notwithstanding anything to the contrary in the Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their
10 holdings or portions thereof: Provided that an exchange of portion of a holding may be permitted if the portions exchanged will, in the opinion of the Board, be within a reasonable working distance of the holdings to which they are to be attached.

15 (3) The condition of residence attaching to any portion of a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits for conditional purchases.

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional
20 purchase or an additional conditional purchase (other than a non-residential conditional purchase), shall be at the rate of five per centum of the price of the land applied for.

The survey fees chargeable on all conditional purchases, conditional leases, homestead selections, settlement leases, and conditional
25 purchase leases, applied for after the commencement of this Act shall (unless the holder desires to pay the fee sooner) be paid in ten equal yearly instalments, with interest at the rate of four per centum per annum on the amount unpaid. Payment of the first of such instalments shall be made with the application.

30 Provided that an applicant shall not be required to pay a survey fee in respect of any land in connection with which a previous holder had paid such fee.

Improvements.

38. Notwithstanding anything to the contrary in the Crown
35 Lands Act of 1895, a condition in any improvement lease (whether executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

39. Where any surrendered lands are, before or after the commencement of this Act, added to any adjoining holdings under
40 section forty-seven of the Crown Lands Act of 1895, with a condition that

Crown Lands (Amendment).

that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Appraisalment of rent of conditional leases.

10 40. (1) Notwithstanding anything to the contrary in section thirty-five of the Crown Lands Act of 1895, an application by any conditional lessee, or a reference by the Minister, made prior to the commencement of this Act, to have the rent for the term following the first fifteen years period of any conditional lease determined in accordance with the provisions of section six of the Crown Lands Act of 1889, shall not be invalid by reason only that such application or reference was not made within twelve months after the expiration of the said first period of the lease.

20 (2) But any application or reference as aforesaid made after the commencement of this Act shall be made within twelve months after the expiration of the said first period of the lease.

25 (3) Provided that if in any case the rent has not, before or after such commencement, been determined within twelve months after the expiration of the said first period of the lease, it shall, until such determination, be deemed to have been and to be payable at the same rate as was paid for the said first period.

Fencing.

30 41. In section one hundred and forty-one of the Crown Lands Act of 1884 the word "lease" in the expression "conditional purchase, or lease, or a homestead lease" shall include and be deemed to have included any lease other than an annual lease.

The same section is also amended by omitting the words "between conditional purchasers and contributories" and inserting in place thereof the words "under this section."

35 *Amendment of Acts.*

42. The several additions, alterations, substitutions, and omissions set out in the Schedule hereto shall be made in the sections and subsections of the Acts mentioned in such Schedule.

Regulations.

Crown Lands (Amendment).

Regulations.

43. For the purposes of this Act, the Governor may make Regulations. regulations prescribing the mode of procedure in connection with any application under this Act, and any conditions to be attached to and under which the subject of any such application may be given effect to and completed; also for the purpose of carrying this Act into full effect generally. ~~Such regulations upon being published in the Gazette shall be good and valid in law.~~

44. All regulations so made shall—
- (i) be published in the Gazette;
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - (iii) be laid before both Houses of Parliament within seven days after publication if Parliament is in Session, and if not, then within seven days after the commencement of the next Session.

Regulations to be published.

But if either House of the Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

Application of Act.

44. 45. This Act shall apply only to the Central and Eastern Application Divisions of the State.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."
10 Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.
15 Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"
20 Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"
25 Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.
30 Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"
35 Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.
40 Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"
45 Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"
50 Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884.	96	The words "or license" are added after the word "lease" wherever occurring in the section.
Crown Lands Act of 1884.	98	The words "or license fee" are added after the word "rent" wherever occurring in the section.
10	subsec. (iii)	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
Crown Lands Act of 1884.	101	"Minister" is substituted for "Governor."
15 Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	136	The words "reserved from sale or lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
20 Crown Lands Act of 1889.	4	"Minister" is substituted for "Governor" in the definition of "scrub."
Crown Lands Act of 1889.	13	The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted.
25		The following words—"he may with applicant's written consent cause the land to be measured in a modified form and the land the subject of such modification shall be unavailable for any other application. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
30		
Crown Lands Act of 1889.	14	The words "Where a declaration or consent required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration or consent to be furnished" are inserted after the word "requirements."
35		
Crown Lands Act of 1889.	18	The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be more or less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
40		
Crown Lands Act of 1889.	25	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor.
45		The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
50		
Crown Lands Act of 1889.	26	The words "a conditional purchase" are inserted after the words "any applicant for"

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1889.	26	The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.
		The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.
10 Crown Lands Act of 1889.	27	The words "at the discretion of the District Surveyor or" are inserted after the words "such portion may"
Crown Lands Act of 1889.	33	The words "(subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board"
15		The words "gazettal thereof" are substituted for the words "allotment or approved approval by the Board"
Crown Lands Act of 1889.	35 subsec. (ii)	The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
20 Crown Lands Act of 1889.	37	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph.
25 Crown Lands Act of 1889.	39	"Minister" is substituted for "Governor"
		The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
30		
Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may, after report by the Board, permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
35		
40 Crown Lands Act of 1889.	44	The words "or any other person" are inserted after the words "by the owner of such improvements"
Crown Lands Act of 1889.	48	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	13 subsec. (i)	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
45		
	13 subsec. (ii)	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.
50		

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."
10 Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph :—" Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow : Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
15 Crown Lands Act of 1895.	25	The word "instalment" is omitted and the word "amount" substituted.
20 Crown Lands Act of 1895.	subsec. (b) subsec. (d)	The words "Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act" are inserted at the end of the subsection.
25 Crown Lands Act of 1895.	subsec. (f)	The words "The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for" are inserted at the end of the subsection.
30 Crown Lands Act of 1895.	27	After the first word "selection" in section twenty-seven, the following words are inserted :—" Unless in the opinion of the Board a larger area is required for the maintenance of a home thereon in average seasons and circumstances, in which case a home maintenance area may be gazetted by the board."
35 Crown Lands Act of 1895.		The following words are added at the end of the section :—" Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection."
40 Crown Lands Act of 1895.	30	The words "up to and immediately" is are inserted after the word "has"
45 Crown Lands Act of 1895.	subsec. (a)	

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	30 subsec. (a)	The words "of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires" are substituted for the words "during which residence was previously carried on but not so as in any case to be reduced to less than five years"
10 Crown Lands Act of 1895.	40	The words "special conditional purchase leases" are added after the words "conditional purchase leases"
15 Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
20 Crown Lands Act of 1895.	40	The words "in respect of a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
25 Crown Lands Act of 1895.	41	The words "or holds under any tenure other than annual tenure" are added after the word "owns"
30 Crown Lands Act of 1895.		The words "or held under any such tenure" are added after the word "owned"
35 Crown Lands Act of 1895.		The words "lands granted in fee-simple or conditionally purchased or conditionally leased from the Crown shall alone be taken into account" are omitted, and the words "the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area" are substituted therefor.
40 Crown Lands Act of 1895.	43	"Minister" is substituted for "Governor."
45 Crown Lands Act of 1895.	43 subsec. (b)	The words "The allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
50 Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest."
Crown Lands Act of 1895.	49	The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.
10		
Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
15 Crown Lands Act of 1895.	60	The words "or an incapable person" are added after the words "insane patient"
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.
20		
25		
Appraisement Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
30 Appraisement Act, 1902.	5	The following is inserted at the end of subsection one: "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board."
35		The following is added at the end of subsection two:—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
40		
Appraisement Act, 1902.	10	The words "Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
45 Appraisement Act, 1902.	11	The words "to such purchase or lease" are omitted.
Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer provided that a reappraisement shall take place upon transfer in all cases where an appraisement has not taken place within three years previously" are inserted before the word "Provided."
50		The word "also" is added after the second word "provided"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	11 subsec. (1)	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"
10 Crown Lands Act Amendment Act of 1903.	14	In the second paragraph the word "one" before the word "holder" is omitted. The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve and only" are inserted after the word "only" in the expression "and shall apply only in cases where"
15		The words "the passing of this Act" are substituted for the words "such date"
20		The following words are inserted after the word "series":— "Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"
25		In the last paragraph the word "also" is inserted before the words "that the Board"
30 Crown Lands Act Amendment Act of 1903.	15	The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"
35 Crown Lands Act Amendment Act of 1903.	17	The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.
40		
Crown Lands Act Amendment Act of 1903.	23	The words "held by him on the first day of January one thousand nine hundred and three" are omitted. The words "a lease under improvement conditions" is are substituted for the words "an improvement lease"
45		The word "ten" is substituted for the word "seven"
Crown Lands Act Amendment Act of 1903.	30	The words "the passing of this Act" are omitted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	33	The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"
10 Crown Lands Amendment Act of 1905.	4	A new paragraph in the following words:—"(e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."
15 Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section:—" (4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification."
20 Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph "(d) conditional purchase lease" is inserted after paragraph (c), and the words "or applicant for" are inserted next after the expression "the holder of" wherever occurring in the subsection.
25		Subsection (2) is repealed, and the following substituted:—" No application for an additional conditional purchase, additional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of."
30		In subsection (4) the words "or conditional purchase lease" are inserted after the words "settlement lease."
35 Crown Lands Amendment Act of 1905.	7	The words "on any question as to" after the word "section" and the whole of subsections (1) (2) (3) (4) and (5) and the words "a decision of the Board on any of the foregoing questions" are omitted. The word "it" is inserted after the word "refer"
40 Crown Lands Amendment Act of 1905.	8	In the last sentence the word "Minister" is substituted for the word "Board" and the words "by notice in the Gazette" are inserted between the words "may" and "attach," and the words "of the prescribed" are omitted.
45 Crown Lands Amendment Act of 1905.	9	The words "or conditional purchase leases" are inserted after the words "homestead selections," and the words "or conditional purchase lease" are inserted after the words "homestead selection," wherever appearing in the section.

Crown Lands (Amendment)

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Amendment Act of 1905.	10	In paragraph (a) the words "and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon" are omitted and the words "of such areas as the Minister may determine" substituted.
10 Crown Lands Amendment Act of 1905.	14	Paragraph (a) is omitted and the following words substituted therefor:—" (a) Land the total area of which does not exceed forty acres."
15		The words "and is not the holder of any land except—
20		(a) town or suburban land as defined in the Principal Acts; or (b) land held as a tenant from a private holder" are omitted, and the words "or under the provisions of section forty-one of the Crown Lands Act of 1895 as amended by the Crown Lands (Amendment) Act, 1908," are substituted therefor.
25 Crown Lands Amendment Act of 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."

1908.

Legislative Council.

CROWN LANDS (AMENDMENT) BILL.

(Amendments to be proposed in Committee of the Whole by
THE HON. JOHN HUGHES.)

- Page 2, clause 3, lines 15 and 16. *Omit* "in respect of which before
"or after the commencement of this Act a forfeiture has
"not been incurred, or, if incurred, has been waived" and
insert "not liable to forfeiture"
- Page 2, clause 3, line 27. *Insert* "With any application for conver-
"sion of a homestead grant there shall be forwarded a
"surrender of such grant to the Crown. Such surrender
"shall be in the form prescribed"
- Page 2, clause 3, line 27. *After* "Act" *insert* "Any balance of the
"said deposit shall be paid by the applicant within one month
"after he has been called upon to do so, otherwise the Minister
"may declare that the application has lapsed, and any
"moneys paid therewith shall thereupon be forfeited to His
"Majesty"
- Page 3, clause 3, lines 3 and 4. *Omit* "the application for conversion
"and" *insert* "such confirmation"
- Page 3, clause 4, line 35. *Insert* "If after reference by the
"Minister the applicant is dissatisfied with the appraise-
"ment of the board, he may within one month after
"such appraisal withdraw his application for conversion
"upon payment of costs as assessed by the board"
- Page 3, clause 5, lines 41, 42, and 43. *Omit* "in respect of which
"before or after the commencement of this Act a forfeiture
"has not been incurred, or, if incurred, has been waived" and
insert "not liable to forfeiture"
- Page 4, clause 5, line 21. *After* "not" *insert* "with the other lands
"so held by applicant"
- Page 4, clause 5, line 38. *Insert* "On such confirmation the settle-
"ment lease shall be deemed to be surrendered to the
"Crown"

- Page 5, clause 6, line 28. *After* "lease" *insert* "but shall be subject
"to appraisal in respect of each succeeding term of ten
"years or portion thereof"
- Page 5, clause 6, line 32. *After* "purchases" *insert* "and any other
"land held by the applicant under any tenure other than
"annual tenure"
- Page 5, clause 6, line 38. *After* "and" *insert* "the area of such
"original and additional conditional purchases"
- Page 5, clause 6, line 43. *After* "holding" *insert* "and any other
"land held by the applicant under any tenure other than
"annual tenure"
- Page 6, clause 8, line 33. *After* "to" *insert* "the confirmation of"
- Page 7, clause 11, line 24. In marginal note *after* "of" *insert*
"certain"
- Page 12, clause 22, line 7. *After* "lands" *insert* in brackets "(other
"than lands exempt from conditional purchase or within
"areas set apart for a different class of holding)"
- Page 14, clause 25. In marginal note *after* "conditional purchase
"leases" *insert* "special conditional purchase leases, con-
"ditional purchases, homestead selections"
- Page 14, clause 25, line 8. Before "or" *insert* in brackets "(other
"than an original conditional purchase into which a
"conditional purchase lease applied for prior to the
"commencement of this Act, may be converted)"
- Page 14, clause 25, lines 8 and 9. *After* the words "conditional
"purchase lease" *insert* "or special conditional purchase
"lease"
- Page 14, clause 25, lines 38, 39, 40, and 41. *Omit* "Regulations may
"be made prescribing under what circumstances and
"conditions the Minister may consent to a mortgage to a
"person who comes within paragraph (a) or paragraph (b)
"of the last preceding subsection"
- Page 15, clause 25, line 9. *After* "family" *insert* "and the Minister
"may consent to a transfer of the land under this section
"before the expiration of the said period of residence"
- Page 15, clause 25, line 29. *Omit* "certificate" and substitute
"consent"
- Page 17, clause 27, line 15. *After* "lease" *insert* "or conditional
"purchase lease"
- Page 17, clause 27, line 24. *After* "settlement" *insert* "or condi-
"tional purchase"
- Page 17, clause 27, line 28. *After* "settlement" *insert* "or condi-
"tional purchase"
- Page 17, clause 27, line 30. *After* "lease" *insert* "or conditional
"purchase lease"
- Page 17, clause 27, line 39. *After* "lease" *insert* "or conditional
"purchase lease"

Page 17, clause 27, line 41. *After* "lease" *insert* "or an additional
"conditional purchase lease"

Page 17, clause 27, line 43. *After* "lease" *insert* "or conditional
"purchase lease"

Page 19, clause 31, line 7. *After* "adverse" *insert* "or excusable"

Page 24, Schedule, line 27. *After* "form" *insert* "and the land
"the subject of such modification shall be unavailable for
"any other application"

Page 24, Schedule, line 30. *After* "declaration" *insert* "or consent"

Page 24, Schedule, line 33. *After* "declaration" *insert* "or consent"

Page 24, Schedule, line 37. *Omit* "more or"

Page 25, Schedule, line 14. Substitute "approval" for "approved"

Page 27, Schedule, line 4. *Insert*—

Crown Lands Act of 1895.	40	The words "special conditional purchase leases" are added after the words "conditional purchase leases"
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Page 27, Schedule. Between lines 17 and 18 *insert*—

Crown Lands Act of 1895.	41	<p>The words "or holds under any tenure other than annual tenure" are added after the word "owns"</p> <p>The words "or held under any such tenure" are added after the word "owned"</p> <p>The words "lands granted in fee-simple or conditionally purchased or conditionally leased from the Crown shall alone be taken into account" are omitted, and the words "the maximum area of a conditional purchase lease shall be deemed to be the same as that permitted to a conditional purchase, or to be the area of the block applied for should it exceed such maximum area" are substituted therefor.</p>
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Page 27, Schedule, line 19. "t" should be "T"

Page 27, Schedule. Between lines 40 and 41 *insert*—

Crown Lands Act of 1895.	60	The words "or an incapable person" are added after the words "insane patient"
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Page 28, Schedule. Between lines 29 and 30 *insert* "The word 'also'
"is added after the second word 'provided'"

Page 28, Schedule. Between lines 42 and 43 *insert* "The words
" 'the passing of this Act' are substituted for the words
" 'such date' "

Page 29, Schedule, line 19. *After* "a" *insert* "lease under improve-
"ment conditions," and *after* "improvement" *insert* "lease"

Page 30, Schedule, line 27. *Omit* the proposed amendment, and in lieu
thereof *insert* "The words 'and is not the holder of any land
" 'except—(a) town or suburban land as defined in the
" 'Principal Acts; or (b) land held as a tenant from a private
" 'holder' are omitted, and the words 'or under the provisions
" 'of section forty-one of the Crown Lands Act of 1895 as
" 'amended by the Crown Lands (Amendment) Act, 1908'
" are substituted therefor."

1908.

Legislative Council.

CROWN LANDS (AMENDMENT) BILL.

*(Amendment to be proposed in Committee of the Whole by
THE HON. H. E. KATER.)*

Page 7, clause 11. *After* line 45, *insert* the following new paragraph:—

- (b) A conversion shall not be allowed of land on any travelling stock reserve.
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1908.

Legislative Council.

CROWN LANDS (AMENDMENT) BILL.

*(Amendments to be proposed in Committee of the Whole by
THE HON. J. A. GUNN.)*

To follow subsection 2 (a) of section 11 :—"Conversion shall
" not be allowed of land in any travelling stock reserve or camping
" reserve except with the approval of the Minister, and such approval
" shall not be given if the Minister for Agriculture or the Pastures
" Protection Board for the district object to the conversion."

Subsection (7), section 25. *Omit* subsection 7, and substitute—
" After issue of a grant in respect of any such original or additional
" conditional purchase or original or additional homestead selection
" applied for under the provisions of this Act, the same may be
" transferred to any person, whether the holder of a home maintenance
" area or not ; but it shall be a condition of such grant that the whole
" or any portion of such land shall not be sold at any time to any
" person owning land of the value of £20,000 or over."

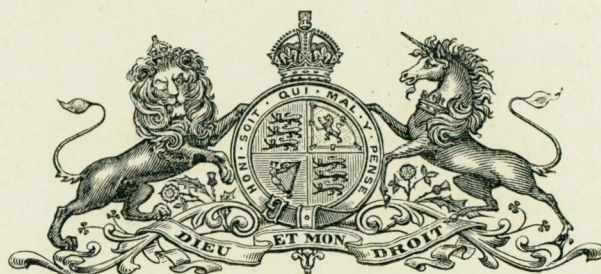
Omit Improvement Leases, sections 14, 15, 16, 17, and 18.

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.

*Legislative Assembly Chamber,
Sydney, 11 November, 1908.* }

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO OCTAVO

EDWARDI VII REGIS.

Act No. , 1908.

An Act to provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto.

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

5

Preliminary.

1. This Act shall come into force on the first day of January, ^{Short title.} one thousand nine hundred and nine, and may be cited as the "Crown Lands (Amendment) Act, 1908," and shall be construed with the Principal Acts.

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30—A

2.

Crown Lands (Amendment).

2. In this Act—

Interpretation.

“Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.

5 “Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, together with the Acts read or construed with or amending the same.

10 “Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

Conversion of homestead selections or grants.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant in respect of which before or after the commencement of this Act a forfeiture has not been incurred, or if incurred has been waived, may convert the same into—

For conversion of homestead selection or grant.

- (a) a conditional purchase lease; or
- (b) a conditional purchase; or
- 20 (c) a conditional purchase and conditional lease, but so that the area comprised in such lease does not exceed three times the area comprised in the conditional purchase.

With any such application for conversion, a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase, as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act:

30 Provided that in any such application made in respect of a homestead selection or grant under mortgage the mortgagee shall join:

30 Provided also that a person shall not, except with the permission of the Minister, convert more than one homestead selection or grant under this section.

(2) Such conversion shall not take effect until confirmed by the board.

Confirmation by board.

35 (3) The conditional purchase lease, or conditional purchase, or conditional purchase and conditional lease shall be subject—

Conditions of tenure.

- (a) to any special conditions which attached to the homestead selection or grant; and
- (b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant is converted, except that
- 40 (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by

Crown Lands (Amendment).

by the period during which continuous residence has been performed by the applicant upon the homestead selection or grant immediately prior to the application for conversion; and

- 5 (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half
10 per centum per annum, has been paid.

(4) The words "homestead selection or grant" in this section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof. Definitions.

4. (1) Upon conversion of a homestead selection or grant into a conditional purchase lease or into a conditional purchase with or
15 without a conditional lease the capital value of the land comprised in the conditional purchase lease for the first ten years thereof, or the price of the land comprised in the conditional purchase, or any additional conditional purchase made out of land comprised in the
20 conditional lease, shall be the capital value upon which the rent of the homestead selection or grant was payable at the date of application for such conversion: Determination of capital value.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may
25 within three months after lodgment of such application direct, that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the capital value of a conditional purchase lease for the first ten years period thereof or the
30 price of a conditional purchase or additional conditional purchase:

Provided further that in so determining such value the Board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the homestead
35 selection or grant.

(2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

Conversion of settlement leases.

- 40 5. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any settlement lease in respect of which, before or after the commencement of this Act, a forfeiture has not been incurred, or if incurred has been waived, may
() convert Conversion of settlement leases.

Crown Lands (Amendment).

convert such lease into a conditional purchase or into a conditional purchase and conditional lease in the manner and subject to the conditions following :—

- 5 (a) When, in the opinion of the Board, the land comprised in such settlement lease, together with the area held by the applicant for conversion under any tenure other than annual tenure, does not exceed an area which, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which
- 10 it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall be into an original conditional purchase or into an original conditional purchase and a conditional lease, such lease not to exceed in area three times the area
- 15 of the conditional purchase.
- (b) When, in the opinion of the Board, the land comprised in the settlement lease together with any land held by the applicant for conversion under any tenure other than annual tenure exceeds such area, the conversion shall be—
- 20 (i) as to so much of the land comprised in the lease as the Board determines will not exceed such area as aforesaid, or as to not less than one-fourth of such area into an original conditional purchase; and
- 25 (ii) as to the balance of the land comprised in the settlement lease into a conditional lease.
- (c) In no case shall the area to be converted into a conditional purchase or additional conditional purchase be such that the unimproved value thereof exceeds three thousand pounds.
- 30 (d) If the applicant is dissatisfied with the determination of the Board as to the area which may be converted into a conditional purchase or additional conditional purchase, he may, within one month thereafter, withdraw his application for conversion, upon payment of costs as assessed by the Board.
- 35 (e) In an application for conversion in respect of a settlement lease under mortgage the mortgagee shall join.
- (f) Such conversion shall not take effect until confirmed by the Board.
- 40 (g) With any such application for conversion a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be included in a conditional purchase as payment or part payment of a deposit to be made of five per centum of the capital value of the land as determined under this Act.

(h)

Crown Lands (Amendment).

- (h) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section.
- (i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.
- (2) The words "settlement lease" in this section mean and include an original settlement lease and any additional settlement lease held in virtue thereof. Definition of settlement lease.
- 6.** Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and conditional lease as aforesaid any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:— Conditions upon conversion.
- (a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.
- (b) The rent payable in respect of any such conditional lease shall for the first ten-year period thereof be at the same rate per acre as was paid in respect of the settlement lease.
- (c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and shall not exceed an area of which the unimproved value exceeds three thousand pounds.
- (d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act. (e)

Crown Lands (Amendment).

(e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

5 7. (1) Upon conversion of a settlement lease into a conditional purchase or into a conditional purchase and a conditional lease the price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within
10 the area of such lease—shall be such sum as would at two and a half per centum produce the annual rent payable on the settlement lease at the date of application for such conversion :

Price of and payment for conditional purchase on conversion.

Provided that the applicant may, upon lodgment of his application for conversion as aforesaid, request, or the Minister may
15 within three months after the lodgment of such application direct that the capital value shall be determined by the board subject to the provisions of section six of the Crown Lands Act of 1889, and in such case the capital value so determined shall be the price of a conditional purchase or additional conditional purchase.

20 Provided further that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease.

(2) The balance of the purchase money shall be paid by
25 annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

Payment of balance of purchase money.

8. The term of residence in respect of any conditional purchase
30 or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid shall be ten years, but such term of residence shall be reduced by the period of continuous residence performed by the applicant immediately prior to his application for such conversion : The residence term shall commence on the date of
35 the Board's confirmation of the conversion.

Residence and suspension of residence.

9. If the land comprised in a settlement lease has been reserved
either wholly or in part from sale such reserved land shall not be convertible into a conditional purchase unless and until such reservation is revoked.

Reserved land.

40 *Conversion of non-residential conditional purchases.*

10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase made under section forty-seven of the Crown Lands Act of 1884 not liable to forfeiture may on
application

Conversion of non-residential conditional purchase into original conditional purchase.

Crown Lands (Amendment).

application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the

5 Principal Acts relating thereto:

Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder immediately prior to his application

10 for such conversion:

(2) All moneys paid on account of purchase money in Payment of price. respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be 15 so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid.

20 If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

11. (1) Notwithstanding anything contained in the Principal Conversion of special leases and certain church and school lands leases. Acts or the regulations thereunder, the registered holder of any special 25 lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-cane growing, tanks, tobacco-growing, or water conservation, or of 30 any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—

- (a) a conditional purchase lease or an additional conditional purchase lease; or,
- 35 (b) a conditional purchase or an additional conditional purchase; or,
- (c) a homestead selection or an additional homestead selection; or,
- (d) a settlement lease or an additional settlement lease; or
- 40 (e) a conditional lease.

(2) Provided that—

- (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines;
- (b)

Crown Lands (Amendment).

(b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area;

5 (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for. Limitations to conversion.

(3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for inquiry and report. Application.

(4) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, subject to the provisions of section six of the Crown Lands Act of 1889. Grant of application.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the Minister's discretion.

(5) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section. Deposit to be paid.

(6) Such conditional purchase lease, or additional conditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection, or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to the general provisions of the Principal Acts in respect thereto, except that— Conditions.

(a) the term of residence which shall commence within three months after the date of the Minister's approval of the conversion shall be reduced by the period during which continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or upon the holding in virtue of which the special lease or church and school lands lease has been converted into an additional holding or conditional lease; (b)

Crown Lands (Amendment).

(b) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

(7) Upon approval by the Minister of any conversion under this section the capital value of the land comprised in the conditional purchase lease, or the additional conditional purchase lease, or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional conditional purchase, shall be that determined by the Board as aforesaid.

General provisions relating to conversions.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease.

13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act.

Surrender of improvement and scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him—

- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.

(2)

Crown Lands (Amendment).

(2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.

Power of entry and inspection.

5 15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to
10 approval by resolutions of both Houses of Parliament. After such notification the owner may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period, and upon such conditions as may be agreed upon.

Notification of surrender of lease.

15 of 16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such
20 compensation to be determined by a court as hereinafter provided.

Compensation payable to lessee.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final.

Determination of compensation by court.

25 (3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly—

Measure of compensation.

30 (a) the improvements in respect of which the lessee has or has not tenant right;

(b) any right of the Minister to withdraw the whole or any part of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land.

35 17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings
40 in relation thereto.

Application of sections of Closer Settlement Act, 1904.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder
45 until a notification declaring it to be so available has been published in the Gazette.

Disposal of land.

Special

Crown Lands (Amendment).

Special conditional purchase leases.

19. (1) The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification: Provided that lands shall not be so set apart until they have for a period of at least six months been available for some class of residential holding under the Principal Acts. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, whether as to the whole or any part thereof, by notification by the Minister in the Gazette.

(2) Any person having the qualifications specified in section fourteen of the Crown Lands Amendment Act of 1905 may, after the date specified by the Minister as aforesaid, apply for a special conditional purchase lease of any area not less than twenty and not exceeding three hundred and twenty acres of land so set apart: Provided that in the event of any conflicting applications being received, whether original or additional, the board shall determine the order of priority in accordance with section twenty-eight of the Crown Lands Amendment Act of 1905.

(3) A deposit of rental at the rate of sixpence per acre shall be made with the application, and a survey fee shall be paid as prescribed for conditional purchase leases under section thirteen of the Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design thereof shall be as approved by the Minister.

20. Special conditional purchase leases shall not be subject to any condition of residence, but shall be subject to any regulations made under this Act and to the provisions and conditions of conditional purchase leases as prescribed by the Crown Lands Amendment Act of 1905 and any Act amending the same, and shall also be subject to the following conditions:—

- (a) The applicant shall effect substantial improvements on the land to a value of one pound per acre or such lesser value as the Minister may deem sufficient not being less than ten shillings per acre; and
- (b) Such improvements shall be completed within three years from date of confirmation of the application.

21. The capital value for the first period of ten years shall be appraised by the Board, after survey, according to the capabilities and situation of the land the timber thereon and the means of access thereto. For each succeeding period of ten years the board shall determine the capital value on a similar basis.

Additional

*Crown Lands (Amendment).**Additional conditional purchase leases.*

22. (1) Any holder of a conditional purchase lease, whether Additional applied for before or after the commencement of this Act, or of conditional purchase leases may be made. any conditional purchase, being a conversion before or after such commencement of a conditional purchase lease, may make additional conditional purchase leases or additional conditional purchases, as the case may be, of Crown lands adjoining the original or any prior additional conditional purchase lease or conditional purchase, or within areas set apart under section four of the Crown Lands Act Amendment 10 Act of 1905 for that class of additional holding :

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

15 (2) A condition of ten years' residence shall attach to every Conditions. additional conditional purchase lease or additional conditional purchase under this section.

Provided that—

20 (a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence ; but if an additional conditional purchase or 25 conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires.

30 (b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series.

(3) The provisions of the Principal Acts relating to original Application of conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, mutatis mutandis, be applied 35 to any additional conditional purchase lease or additional conditional purchase under this section. Principal Acts.

(4) Original and additional conditional purchase leases and Transfers. conditional purchases (being conversions of conditional purchase leases) 40 of the same series shall be deemed to be one holding and shall not be transferred apart or held separately.

Residential lease.

23. (1) The holder of any residential lease including any Purchase of land additional residential lease may at any time after the first five years comprised in 45 of his lease apply to purchase the land held thereunder. (2) residential lease.

Crown Lands (Amendment).

(2) Application shall be made as prescribed accompanied by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to the Board for inquiry and report.

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

(4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Restriction of transfer.

24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Where

Crown Lands (Amendment).

Where a settlement lease, issued before or after the commencement of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

25. (1) Notwithstanding anything to the contrary in the Principal Acts, an original conditional purchase or conditional purchase lease or homestead selection or settlement lease applied for after the commencement of this Act, or any additional holding held in virtue thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or settlement lease, being a subdivision made under this Act, shall not be transferable, except by way of mortgage only,—

(a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by transfer, will, in the opinion of the Minister, exceed a home maintenance area; or

(b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that the area already held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.

(2) Application for permission to transfer, by way of sale, mortgage, lease, or otherwise, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected, or if effected shall not be valid, unless the Minister's consent thereto has been obtained. The Minister shall have discretion to give or refuse such consent, and shall not refuse consent unless he has referred the matter to the board, and the board or the Land Appeal Court recommends that such consent should not be given. Regulations may be made prescribing under what circumstances and conditions the Minister may consent to a mortgage to a person who comes within paragraph (a) or paragraph (b) of the last preceding subsection.

(3) When any such conditional purchase or conditional purchase lease, or any additional holding held in virtue thereof, is transferred (except by way of mortgage), the transferee shall, within three months after the Minister's consent to the transfer has been obtained,

Crown Lands (Amendment).

obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding; and the fact that residence by any former holder or transferee had been previously performed in respect of the said land shall not relieve the transferee
5 from the fulfilment of the two years' residence as herein provided :

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family.

1) Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before the completion of the ten years' residence attaching thereto.

(4) If any such purchase, lease, selection, or holding is
15 mortgaged, and the mortgagee enters into possession of the same under his mortgage, he may hold the same for a period of three years after the date of his entering into possession as aforesaid, or for such further period as the Minister may permit. When mortgagee goes into possession.

But the mortgagee shall not, notwithstanding the terms of his
20 mortgage, so enter into possession of the mortgaged land more than once, except by permission of the Minister.

Such mortgagee shall not foreclose the mortgage except with the consent of the Minister. Such consent shall be applied for and may be given or refused, as in the case of a sale; and the provisions
25 of subsection two of this section shall apply thereto.

Such mortgagee shall not transfer the land except in accordance with this section.

If within such period the mortgagee does not obtain the certificate of the Minister to a foreclosure, or does not transfer the
30 purchase lease, selection, or holding in accordance with this section, the same shall be liable to forfeiture, and, on notification by the Minister in the Gazette, may be forfeited, and, therefore, shall revert to the Crown.

A foreclosure or transfer in contravention of this section shall
35 be void.

The fact that the mortgagee, or some person by his authority, occupies or uses any part of the mortgaged land shall be prima facie evidence that the mortgagee has entered into possession of the land under the mortgage.

4) (5) If any such purchase, lease, selection, or holding
devolves under a will or on intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may nevertheless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such
45 further period as the Minister may permit. Devolution on death.

Within

Crown Lands (Amendment).

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section to be a transferee as aforesaid, receive from the Minister a certificate to that effect, which shall entitle him to hold such purchase, lease, selection, or holding; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or holding:

10 Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

15 If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

20 (6) No transfer or conveyance or assignment in contra-Transfer, &c., void.
vention of the provisions of this section shall be valid for any purposes whatsoever.

(7) The provisions of this section are extended so as to Application of
apply to any such original or additional conditional purchase or original section.
25 or additional homestead selection, whether a grant in respect of the same has or has not issued.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is Subdivision of
repealed, and the following is substituted for it:— conditional purchase.

30 34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

The application shall be made as prescribed, accompanied by the prescribed deposit, to be available for the payment of the costs of
35 any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser thereto.

40 The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision thereof shall be attached. The

Crown Lands (Amendment).

The Minister may modify or refuse any application under this section.

After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and
5 a new certificate issued for each part.

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional purchase, and may be separately transferred to a qualified person : But the holder of any such portion shall not be entitled to apply for an
10 additional conditional purchase in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the Minister's permission in writing.

27. Subject to regulations to be made hereunder, the holder of
15 any homestead selection or settlement lease who desires to transfer a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the
20 payment of the costs of any survey or reports which may be required. The applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement lessee thereto.

Subdivision of
homestead selections
and settlement
leases.

25 The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and may modify or refuse any application under this section.

After subdivision, the homestead selector or settlement lessee shall surrender the grant (if issued) or the lease for the homestead
30 selection or the settlement lease, as the case may be, and separate grants or leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each part shall be capable of separate transfer to any qualified
35 person, and, subject to the right of conversion under this Act, shall continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same conditions as if each were a separate homestead selection or settlement lease : Provided that the holder of any such part shall not be entitled
40 to apply for an additional homestead selection or an additional settlement lease in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease unless he has previously obtained the Minister's permission in writing.

Crown Lands (Amendment).

Removal of timber.

28. No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884.

Removal of timber from conditional purchases and homestead selections.

The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

10 Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

29. Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available, and the land may thereupon, or at any time thereafter, be sold or otherwise dealt with under the Crown Lands Acts.

Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within two years after the commencement of this Act.

Volunteer land order claim to grant.

40 All applications for grants of land in virtue of volunteer land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and references

Crown Lands (Amendment).

references in respect of any determination of a Board under this section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension or remission of conditions.

- 5 **31.** If the person entitled to any holding under the Crown Lands Acts is or has been prevented by sickness of himself or family or other adverse circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in
10 a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed
15 in any such village or town.

Suspension of performance of conditions.

The non-performance or breach of any condition so imposed by the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

- 20 **32.** Notwithstanding anything to the contrary in subsection four of section one of the Crown Lands (Amendment) Act, 1899, or section nine of the Appraisalment Act, 1902, where on application for appraisalment under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the
25 Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Annual payments on conditional purchases on appraisalment.

- 30 *Additional settlement leases.*

- 33.** The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held.
35 Where any appraisalment is made of the rental of the original settlement lease, an appraisalment shall at the same time be also made of the rental of any such additional settlement lease.

Term and appraisalment of rentals of additional settlement leases.

Addition of areas to holding, or to lease or license.

- 40 **34.** Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection
has

Addition of remnant areas to conditional purchase or homestead selection.

Crown Lands (Amendment).

has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister, on the recommendation of the local land board, be made, and the grant for the purchase or selection may
5 include such additional land, notwithstanding that the land added may increase the area of such purchase or selection beyond the maximum prescribed by law.

Payment for the added land shall be made at the same rate as is paid for the purchase or selection, or at the rate fixed by the Board
10 on reference by the Minister.

Where, prior to the commencement of this Act, such an addition has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

15 **35.** Where vacant Crown land adjoins, is adjacent to, or is within the external boundaries of any lease or license, and the lessee or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may,
20 by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law.

Addition of vacant land to lease or license.

The Board shall, in accordance with section six of the Crown
25 Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be attached to any lease or license of the same.

Exchange of holdings.

36. The following provisions are substituted for subsections
30 two and three of section eleven of the Crown Lands Act Amendment Act 1903 :—

Exchange of holdings.

(2) Notwithstanding anything to the contrary in the Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or
35 homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their holdings or portions thereof: Provided that an exchange of portion of a holding may be permitted if the portions exchanged will, in the opinion of the Board, be within a reasonable working distance of the
40 holdings to which they are to be attached.

(3) The condition of residence attaching to any portion of a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits

*Crown Lands (Amendment).**Deposits for conditional purchases.*

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional purchase or an additional conditional purchase (other than a non-
5 residential conditional purchase), shall be at the rate of five per centum of the price of the land applied for.

Amount of deposit
on conditional
purchase.

The survey fees chargeable on all conditional purchases, conditional leases, homestead selections, settlement leases, and conditional purchase leases, applied for after the commencement of this Act shall
10 (unless the holder desires to pay the fee sooner) be paid in ten equal yearly instalments, with interest at the rate of four per centum per annum on the amount unpaid. Payment of the first of such instalments shall be made with the application.

Provided that an applicant shall not be required to pay a survey
10 fee in respect of any land in connection with which a previous holder had paid such fee.

Improvements.

38. Notwithstanding anything to the contrary in the Crown Lands Act of 1895, a condition in any improvement lease (whether
25 executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

Tenant-right in
improvement leases.

39. Where any surrendered lands are, before or after the commencement of this Act, added to any adjoining holdings under section forty-seven of the Crown Lands Act of 1895, with a condition
25 that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine
30 the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Improvements in
surrendered lands
added to adjoining
holdings.

Appraisement of rent of conditional leases.

40. (1) Notwithstanding anything to the contrary in section
35 thirty-five of the Crown Lands Act of 1895, an application by any conditional lessee, or a reference by the Minister, made prior to the commencement of this Act, to have the rent for the term following the first fifteen years period of any conditional lease determined in accordance with the provisions of section six of the Crown Lands Act of

Appraisement of
rent of conditional
lease.

of

Crown Lands (Amendment).

of 1889, shall not be invalid by reason only that such application or reference was not made within twelve months after the expiration of the said first period of the lease.

(2) But any application or reference as aforesaid made 5 after the commencement of this Act shall be made within twelve months after the expiration of the said first period of the lease.

(3) Provided that if in any case the rent has not, before or after such commencement, been determined within twelve months after the expiration of the said first period of the lease, it shall, until such determination, be deemed to have been and to be payable at the 10 same rate as was paid for the said first period.

Fencing.

41. In section one hundred and forty-one of the Crown Lands Act of 1884 the word "lease" in the expression "conditional purchase, or lease, or a homestead lease" shall include and be deemed 15 to have included any lease other than an annual lease. Amendment of s. 141 of Crown Lands Act of 1884.

The same section is also amended by omitting the words "between conditional purchasers and contributories" and inserting in place thereof the words "under this section."

Amendment of Acts.

20 42. The several additions, alterations, substitutions, and omissions set out in the Schedule hereto shall be made in the sections and subsections of the Acts mentioned in such Schedule. Amendments specified in Schedule.

Regulations.

43. For the purposes of this Act, the Governor may make 25 regulations prescribing the mode of procedure in connection with any application under this Act, and any conditions to be attached to and under which the subject of any such application may be given effect to and completed; also for the purpose of carrying this Act into full effect generally. Such regulations upon being published in the 30 Gazette shall be good and valid in law. Regulations.

Application of Act.

44. This Act shall apply only to the Central and Eastern Application Divisions of the State.

SCHEDULE.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."
10 Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.
15 Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"
20 Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"
25 Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.
30 Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"
35 Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.
40 Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"
45 Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"
50 Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884.	96	The words "or license" are added after the word "lease" wherever occurring in the section.
		The words "or license fee" are added after the word "rent" wherever occurring in the section.
10 Crown Lands Act of 1884.	98 subsec. (iii)	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
15 Crown Lands Act of 1884.	101	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
20 Crown Lands Act of 1884.	136	The words "reserved from sale or lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
Crown Lands Act of 1889.	4	"Minister" is substituted for "Governor" in the definition of "scrub."
25 Crown Lands Act of 1889.	13	The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted. The following words—"he may with applicant's written consent cause the land to be measured in a modified form. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
30 Crown Lands Act of 1889.	14	The words "Where a declaration required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration to be fulfilled" are inserted after the word "requirements."
35 Crown Lands Act of 1889.	18	The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be more or less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
40 Crown Lands Act of 1889.	25	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor.
45		The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
50 Crown Lands Act of 1889.	26	The words "a conditional purchase" are inserted after the words "any applicant for" The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1889.	26	The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.
Crown Lands Act of 1889.	27	The words "at the discretion of the District Surveyor or" are inserted after the words "such portion may"
10 Crown Lands Act of 1889.	33	The words "(subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board" The words "gazettal thereof" are substituted for the words "allotment or approved by the Board"
15 Crown Lands Act of 1889.	35 subsec. (ii)	The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
20 Crown Lands Act of 1889.	37	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph.
25 Crown Lands Act of 1889.	39	"Minister" is substituted for "Governor" The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
30 Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may, after report by the Board, permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
35 Crown Lands Act of 1889.	44	The words "or any other person" are inserted after the words "by the owner of such improvements"
40 Crown Lands Act of 1889.	48	"Minister" is substituted for "Governor."
45 Crown Lands Act of 1895.	13 subsec. (i)	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
	13 subsec. (ii)	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.
50 Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph:—"Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow: Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
10		
15		
20		
Crown Lands Act of 1895.	25	The word "instalment" is omitted and the word "amount" substituted.
	subsec. (b)	
25	subsec. (d)	The words "Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act" are inserted at the end of the subsection.
30	subsec. (f)	The words "The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for" are inserted at the end of the subsection.
35		
Crown Lands Act of 1895.	27	The following words are added at the end of the section:—"Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection."
40 Crown Lands Act of 1895.	30	The word "immediately" is inserted after the word "has"
	subsec. (a)	The words "of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires" are substituted for the words "during which residence was previously carried on but not so as in any case to be reduced to less than five years"
45		

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
10		
15 Crown Lands Act of 1895.	40	The words "in respect of a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
Crown Lands Act of 1895.	43	"Minister" is substituted for "Governor."
20	subsec. (b)	The words "the allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
25 Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."
30 Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest."
Crown Lands Act of 1895.	49	The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.
35		
Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
40		
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.
45		

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
5 Appraisement Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
Appraisement Act, 1902.	5	The following is inserted at the end of subsection one: "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board."
10		The following is added at the end of subsection two:—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
15		
20 Appraisement Act, 1902.	10	The words "Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
Appraisement Act, 1902.	11	The words "to such purchase or lease" are omitted.
25 Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer provided that a reappraisement shall take place upon transfer in all cases where an appraisement has not taken place within three years previously" are inserted before the word "Provided."
30 Crown Lands Act Amendment Act of 1903.	11 subsec. (1)	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"
35 Crown Lands Act Amendment Act of 1903.	14	In the second paragraph the word "one" before the word "holder" is omitted.
40		The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and twelve and only" are inserted after the word "only" in the expression "and shall apply only in cases where"
45		The following words are inserted after the word "series":—"Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"
50		In the last paragraph the word "also" is inserted before the words "that the Board"

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act Amendment Act of 1903.	15	The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"
10 Crown Lands Act Amendment Act of 1903.	17	The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.
15 Crown Lands Act Amendment Act of 1903.	23	The words "held by him on the first day of January one thousand nine hundred and three" are omitted. The word "a" is substituted for the words "an improvement"
20 Crown Lands Act Amendment Act of 1903.	30	The word "ten" is substituted for the word "seven" The words "the passing of this Act" are omitted.
25 Crown Lands Act Amendment Act of 1903.	33	The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"
30 Crown Lands Amendment Act of 1905.	4	A new paragraph in the following words:—"(e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."
35 Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section:—"(4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification."
40 Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph "(d) conditional purchase lease" is inserted after paragraph (c), and the words "or applicant for" are inserted next after the expression "the holder of" wherever occurring in the subsection.
45		Subsection (2) is repealed, and the following substituted:— "No application for an additional conditional purchase, additional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of."
50		In subsection (4) the words "or conditional purchase lease" are inserted after the words "settlement lease."

Crown Lands (Amendment).

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Amendment Act of 1905.	7	The words "on any question as to" after the word "section" and the whole of subsections (1) (2) (3) (4) and (5) and the words "a decision of the Board on any of the foregoing questions" are omitted. The word "it" is inserted after the word "refer"
10 Crown Lands Amendment Act of 1905.	8	In the last sentence the word "Minister" is substituted for the word "Board" and the words "by notice in the Gazette" are inserted between the words "may" and "attach," and the words "of the prescribed" are omitted.
15 Crown Lands Amendment Act of 1905.	9	The words "or conditional purchase leases" are inserted after the words "homestead selections," and the words "or conditional purchase lease" are inserted after the words "homestead selection," wherever appearing in the section.
20 Crown Lands Amendment Act of 1905.	10	In paragraph (a) the words "and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon" are omitted and the words "of such areas as the Minister may determine" substituted.
25 Crown Lands Amendment Act of 1905.	14	Paragraph (a) is omitted and the following words substituted therefor:—" (a) Land the total area of which does not exceed forty acres."
30 Crown Lands Amendment Act of 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."

No. , 1908.

A BILL

To provide for the conversion of certain tenures under the Crown Lands Acts and under the Act 44 Vic. No. 19, into certain other tenures; to otherwise amend the Crown Lands Acts; and for purposes consequent thereon or incidental thereto.

[MR. MOORE;—9 October, 1908, A.M.]

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

5

Preliminary.

1. This Act shall come into force on the first day of one thousand nine hundred and and may be cited as the "Crown Lands (Amendment) Act, 1908," and shall be construed with the Principal Acts.

Short title.

Interpretation.

2. In this Act—

“Church and school lands lease” means an agricultural or pastoral lease granted under the Act 44 Vic. No. 19.

“Principal Acts” means the Crown Lands Act of 1884, the Crown Lands Act of 1889, the Crown Lands Act of 1895, 5 together with the Acts read or construed with or amending the same.

“Home maintenance area” means an area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and 10 circumstances of an average family.

Conversion of homestead selections or grants.

For conversion of
homestead selection
or grant.

3. (1) Upon application as prescribed the registered holder or person entitled to the equity of redemption of any homestead selection or grant in respect of which before or after the commencement of this 15 Act a forfeiture has not been incurred, or if incurred has been waived, may convert the same into—

- (a) a conditional purchase lease; or
- (b) a conditional purchase; or
- (c) a conditional purchase and conditional lease, but so that the 20 area comprised in such lease does not exceed three times the area comprised in the conditional purchase:

Provided that in any such application made in respect of a homestead selection or grant under mortgage the mortgagee shall join:

Provided also that a person shall not, except with the permis- 25 sion of the Minister, convert more than one homestead selection or grant under this section.

Confirmation by
board.

(2) Such conversion shall not take effect until confirmed by the board.

Conditions of
tenure.

(3) The conditional purchase lease, or conditional purchase, 30 or conditional purchase and conditional lease shall be subject—

- (a) to any special conditions which attached to the homestead selection or grant; and
- (b) to the general provisions of the Principal Acts relating to the class of holding into which the homestead selection or grant 35 is converted, except that
- (c) the term of residence shall commence on the date of the Board's confirmation of the conversion, but shall be reduced by the period during which continuous residence has been performed by the applicant upon the homestead selection or 40 grant immediately prior to the application for conversion; and

(d)

- (d) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money, together with interest at the rate of two and a half per centum per annum, has been paid.

- 5 (4) The words "homestead selection or grant" in this Definitions.
section mean and include an original homestead selection or grant and any additional homestead selection or grant held in virtue thereof.
- 10 4. (1) Upon conversion of a homestead selection or grant into a Determination of
conditional purchase lease or into a conditional purchase with or capital value.
without a conditional lease the capital value of the land comprised in
the conditional purchase lease for the first ten years thereof, or the
price of the land comprised in the conditional purchase, or any
15 additional conditional purchase made out of land comprised in the
conditional lease—

- (a) shall be the capital value upon which the rent of the
homestead selection or grant was payable at the date of
application for such conversion where such value was
20 determined by the Board within five years before the
commencement of this Act, or was determined after such
commencement, and within three years from the date of the
application for conversion; and
- (b) shall where such value was not so determined be such capital
25 value as may be determined by the Board under section six
of the Crown Lands Act of 1889: Provided that in so
determining such value the Board shall exclude the value of
any improvements owned by the applicant for conversion
and any added value given to the land by reason of any
30 improvements made thereon during the currency of the
homestead selection.

(2) Upon conversion as aforesaid, the annual rent payable in respect of the conditional lease for the first ten years thereof shall be two and one-half per centum of such capital value.

35 *Conversion of settlement leases.*

5. (1) Upon application as prescribed the registered holder or Conversion of
person entitled to the equity of redemption of any settlement lease in settlement leases.
respect of which, before or after the commencement of this Act, a
forfeiture has not been incurred, or if incurred has been waived, may
40 convert such lease into a conditional purchase or into a conditional
purchase and conditional lease in the manner and subject to the
conditions following:—

- (a) When, in the opinion of the Board, the land comprised in such
settlement lease does not exceed an area which, when
improved

improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family, the conversion shall 5
be into an original conditional purchase or into an original conditional purchase and a conditional lease, such lease not to exceed in area three times the area of the conditional purchase.

Conditions necessary
to application.

- (b) When, in the opinion of the Board, the land comprised in the 10
settlement lease exceeds such area, the conversion shall be—
 - (i) as to so much of the land comprised in the lease as the
Board determines to be such area as aforesaid, or as
to not less than one-fourth of such area into an original
conditional purchase; and 15
 - (ii) as to the balance of the land comprised in the settlement
lease into a conditional lease.
- (c) In no case shall the area to be converted into a conditional
purchase or additional conditional purchase be such that the
unimproved value thereof exceeds three thousand pounds. 20
- (d) If the applicant is dissatisfied with the determination of the
Board as to the area which may be converted into a
conditional purchase or additional conditional purchase, he
may, within one month thereafter, withdraw his application
for conversion, upon payment of costs as assessed by the 25
Board.
- (e) In an application for conversion in respect of a settlement
lease under mortgage the mortgagee shall join.
- (f) Such conversion shall not take effect until confirmed by the
Board. 30
- (g) With any such application for conversion a provisional deposit
shall be paid at the rate of one shilling per acre of the area
proposed to be included in a conditional purchase as payment
or part payment of a deposit to be made of five per centum
of the capital value of the land as determined under this 35
Act.
- (h) The cost of any necessary survey or subdivision, and any
balance of the said deposit, shall be paid by the applicant
within one month after he has been called upon to do so,
otherwise the Minister may declare that the application has 40
lapsed, and any moneys paid therewith shall thereupon be
forfeited to His Majesty: Provided that at the request of
applicant such survey may be deferred pending the purchase,
in accordance with this Act, of land included in any
conditional lease granted in pursuance of a conversion under 45
this section. (i)

(i) The design of the area to be converted shall be in accordance with the provisions of section twenty-seven of the Crown Lands Act of 1889.

(2) The words "settlement lease" in this section mean Definition of settlement lease. and include an original settlement lease and any additional settlement lease held in virtue thereof.

6. Upon conversion of a settlement lease into a conditional Conditions upon conversion. purchase or into a conditional purchase and conditional lease as aforesaid any such conditional purchase and conditional lease shall be subject to regulations under this Act, and to any special conditions which attached to the settlement lease, also to the general provisions of the Principal Acts relating to conditional purchases and conditional leases except as modified by this Act, and also to the following provisions:—

(a) Any such conditional lease shall terminate on the date at which the settlement lease would have expired.

(b) The rent payable in respect of any such conditional lease shall be at the same rate per acre as was paid in respect of the settlement lease, but shall be subject to the same provisions as to reappraisalment as attached to the settlement lease.

(c) The right to make additional conditional purchases out of land comprised in any such conditional lease is limited, so that the area of the original conditional purchase, together with the area of any such additional conditional purchases, shall not exceed an area which in the opinion of the Board would, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family, and shall not exceed an area of which the unimproved value exceeds three thousand pounds.

(d) An additional conditional purchase or conditional lease shall not be made of land outside the area which was comprised in the settlement lease in virtue of any holding of land within such area unless in the opinion of the Board such holding, together with the proposed additional conditional purchase or conditional lease, does not exceed a home maintenance area as defined in this Act.

(e) A person who has applied for and obtained a conditional purchase or conditional purchase and conditional lease by way of conversion as aforesaid shall be disqualified to apply for another such holding under this Act unless he has first obtained the Minister's approval in writing.

7. (1) Upon conversion of a settlement lease into a conditional Price of and payment for conditional purchase on conversion. purchase or into a conditional purchase and a conditional lease the price

price of the land comprised in such conditional purchase and the price of land comprised in any additional conditional purchase of land within the area of such lease—

- (a) shall, where the rent of the settlement lease has been appraised by the Board within five years before the commencement of this Act, or was so appraised after such commencement and within three years from the date of the application for conversion be the sum obtained by capitalising such rent on a two and a half per centum basis. 5
- (b) shall, where the rent was not so appraised, be such capital value as may be determined by the board under section six of the Crown Lands Act of 1889: Provided that in determining such value the board shall exclude the value of any improvements owned by the applicant for conversion and any added value given to the land by reason of any improvements made thereon during the currency of the settlement lease. 10 15

Payment of
purchase money.

(2) The purchase money shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid. 20

Residence and
suspension of
residence.

8. The term of residence in respect of any conditional purchase or conditional purchase and conditional lease into which a settlement lease is converted as aforesaid, but such term of residence shall be reduced by the period of continuous residence performed by the applicant immediately prior to his application for such conversion: The residence term shall commence on the date of the Board's confirmation of the conversion. 25

Reserved land.

9. If the land comprised in a settlement lease has been reserved either wholly or in part from sale such reserved land shall not be convertible into a conditional purchase unless and until such reservation is revoked. 30

Conversion of non-residential conditional purchases.

Conversion of non-
residential condi-
tional purchase into
original conditional
purchase.

10. (1) Upon application as prescribed, the holder of an original non-residential conditional purchase not liable to forfeiture may on application in the prescribed manner convert such conditional purchase, together with any additional non-residential conditional purchase made in virtue thereof and held by him, into an original conditional purchase, which shall be subject to the provisions and conditions of the Principal Acts relating thereto: 35 40

Provided that the term of ten years' residence shall commence from the date of application for such conversion, but such term shall be reducible by any period (not exceeding five years) of continuous residence on the land by the holder immediately prior to his application for such conversion: 45

(2)

- (2) All moneys paid on account of purchase money in respect of any such original or additional non-residential conditional purchase shall be credited towards payment of the conditional purchase into which it is converted, but no payments for interest shall be so credited. The balance of purchase money shall be paid by annual instalments of five per centum of the purchase money, commencing at the end of the first year from the date of application, or within three months thereafter, until the said balance, with interest at the rate of two and a half per centum per annum, has been paid.
- 10 If the total amounts paid as purchase money (exclusive of interest) exceed the price of the land, such total amounts shall be deemed to be the purchase money.

Conversion of special leases and of church and school lands leases.

11. (1) Notwithstanding anything contained in the Principal Acts or the regulations thereunder, the registered holder of any special lease for the purposes of access to water, agriculture, bee and poultry farming, dairying, dams, drainage, garden (vegetable or nursery), grazing, irrigation, orchard, pig and poultry farm, residence, sugar-cane growing, tanks, tobacco-growing, or water conservation, or of any church and school lands lease, who is qualified under the said Acts, may at any time during the currency of his lease apply to convert the same or part thereof into—
- (a) a conditional purchase lease or an additional conditional purchase lease ; or,
- 25 (b) a conditional purchase or an additional conditional purchase ; or,
- (c) a homestead selection or an additional homestead selection ; or,
- (d) a settlement lease or an additional settlement lease ; or
- 30 (e) a conditional lease.
- (2) Provided that—
- (a) a conversion shall not be allowed of land on any proclaimed gold-field or mineral field except with the approval of the Secretary for Mines ;
- 35 (b) a person shall not be allowed to convert an area which together with all land held by him under any tenure other than annual tenure would in the opinion of the Board exceed a home maintenance area ;
- (c) conversion into an additional holding shall not be allowed unless such additional holding is adjoining or adjacent to the holding in virtue of which it is applied for.
- 40

- (3) Each application shall be made as prescribed, accompanied by a provisional deposit as prescribed to be applied towards the cost of dealing therewith, and shall be referred to the Board for inquiry and report.
- (4)

Grant of application.

(4) The Board shall report to the Minister as to whether there is any objection in the public interests or otherwise to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend the granting of the application it shall proceed to appraise the capital value or price or rent of the land, 5 subject to the provisions of section six of the Crown Lands Act of 1889.

After receipt of such report the Minister may grant the application if the Board so recommends, or he may at his discretion refuse it. Any areas required for roadways or other public purposes may be excluded or the boundaries may be otherwise modified at the 10 Minister's discretion.

Deposit to be paid.

(5) The cost of any necessary survey or subdivision, and any balance of the said deposit, shall be paid by the applicant within one month after he has been called upon to do so, otherwise the Minister may declare that the application has lapsed, and any moneys 15 paid therewith shall thereupon be forfeited to His Majesty: Provided that at the request of applicant such survey may be deferred pending the purchase, in accordance with this Act, of land included in any conditional lease granted in pursuance of a conversion under this section. 20

Conditions.

(6) Such conditional purchase lease, or additional conditional purchase lease, or conditional purchase, or additional conditional purchase, or homestead selection, or additional homestead selection, or settlement lease, or additional settlement lease, or conditional lease, shall be subject to the regulations under this Act and to 25 the general provisions of the Principal Acts in respect thereto, except that—

(a) the term of residence which shall commence within three months after the date of the Minister's approval of the conversion shall be reduced by the period during which 30 continuous residence immediately prior to the application for conversion has been performed by the applicant upon the special lease, or upon the church and school lands lease, or upon the holding in virtue of which the special lease or church and school lands lease has been converted into an 35 additional holding or conditional lease;

(b) the purchase money of any conditional purchase shall be paid by annual instalments of five per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter until the 40 balance of purchase money together with interest at the rate of two and a half per centum per annum has been paid.

Price and rent.

(7) Upon approval by the Minister of any conversion under this section the capital value of the land comprised in the conditional purchase lease, or the additional conditional purchase lease, 45 or

or the homestead selection, or the additional homestead selection, or the rent of the settlement lease, or the additional settlement lease, or of the conditional lease for the first ten years period thereof, or the price of the land comprised in the conditional purchase or additional conditional purchase, shall be that determined by the Board as aforesaid.

General provisions relating to conversions.

12. Any conditional lease into which any tenure has, as to any part of the land comprised therein, been converted under the preceding provisions of this Act, or any additional conditional purchases made out of land comprised in such conditional lease shall not be surrendered unless with the Minister's approval; and any forfeiture thereof shall operate as a forfeiture of any conditional purchases held in connection therewith together with all moneys paid and improvements effected on such purchase or lease.

Surrender of conditional leases.

13. Any right, title, or interest acquired under the Mining Act, 1906, or any Act thereby repealed, shall not be prejudicially affected by any conversion under the preceding provisions of this Act.

Savings.

Surrender of improvement and scrub leases.

14. (1) An advisory board constituted under the Closer Settlement (Amendment) Act, 1907, shall at the request of the Minister report to him—

Advisory board to report as to improvements and scrub leases.

- (a) whether any, and if so, what land comprised in an improvement lease or scrub lease situated within fifteen miles of a then existing railway is suitable to be acquired for closer settlement;
- (b) the estimated value of the land comprised in such lease with the improvements thereon;
- (c) the use to which such land may be put, and the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating and such other particulars as the Minister requires;
- (d) on any matter as to which the Minister requires a report.

(2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.

Power of entry and inspection.

15. Where any such advisory board reports that any of the land comprised in an improvement lease or scrub lease is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease is, and thereupon the same shall be deemed to be, surrendered to the Crown, subject nevertheless to approval by resolutions of both Houses of Parliament.

Notification of surrender of lease.

Compensation
payable to lessee.

16. (1) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification or within such further time as the Minister may allow, if no such agreement has been made, notify in writing to the Minister that he requires such compensation to be determined by a court as hereinafter provided. 5

Determination of
compensation by
court.

(2) Such compensation shall be determined by a court constituted as provided in section eighteen of the Closer Settlement Act, 1904; and the decision of the judge and of one of the assessors of such court shall be the determination of the court, and shall be final. 10

Measure of
compensation.

(3) The measure of such compensation shall be the value of the lease to the person who was the owner thereof at the date of the notification in the Gazette as aforesaid, together with the value of the improvements on the land comprised in such lease, having regard to the terms and conditions of the lease, and particularly— 15

- (a) the improvements in respect of which the lessee has or has not tenant right;
- (b) any right of the Minister to withdraw the whole or any part of the land from the lease and the compensation (if any) payable in respect thereof and for improvements on the land. 20

Application of
sections of Closer
Settlement Act,
1904.

17. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Closer Settlement Act, 1904, relating to the acquisition or resumption of land under that Act, and to proceedings in relation thereto, shall apply mutatis mutandis to the surrender of improvement leases under this Act and proceedings in relation thereto. 25

Disposal of land.

18. Any land comprised in an improvement lease or scrub lease which has been surrendered to the Crown in pursuance of this Act shall be dealt with under the Crown Lands Acts and this Act but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette. 30

Special conditional purchase leases.

Special conditional
purchase leases.

19. (1) The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of special conditional purchase lease, to be available on and after such dates as may be specified in the notification. Such lands shall be available also for any other form of purchase or any form of lease or license under the Principal Acts, unless by the notification it is expressly provided to the contrary, or unless the lands are otherwise reserved. Any such notification may be modified or revoked, whether as to the whole or any part thereof, by notification by the Minister in the Gazette. 35 40

(2)

(2) Any person having the qualifications specified in section Application.
fourteen of the Crown Lands Amendment Act of 1905 may, after the
date specified by the Minister as aforesaid, apply for a special conditional
purchase lease of any area not less than twenty and not exceeding
5 three hundred and twenty acres of land so set apart: Provided that
in the event of any conflicting applications being received, whether
original or additional, the board shall determine the order of priority
in accordance with section twenty-eight of the Crown Lands
Amendment Act of 1905.

10 (3) A deposit of rental at the rate of sixpence per acre Deposit.
shall be made with the application, and a survey fee shall be paid as
prescribed for conditional purchase leases under section thirteen of the
Crown Lands Amendment Act of 1905.

(4) Where the land applied for is unmeasured the design
15 thereof shall be as approved by the Minister.

20. Special conditional purchase leases shall not be subject to Conditions.
any condition of residence, but shall be subject to any regulations made
under this Act and to the provisions and conditions of conditional
purchase leases as prescribed by the Crown Lands Amendment Act of
20 1905 and any Act amending the same, and shall also be subject to
the following conditions:—

- (a) The applicant shall effect substantial improvements on the
land to a value of one pound per acre or such lesser value
as the Minister may deem sufficient not being less than
25 ten shillings per acre; and
(b) Such improvements shall be completed within three years
from date of confirmation of the application.

21. The capital value for the first period of ten years shall be Capital value.
appraised by the Board, after survey, according to the capabilities and
30 situation of the land the timber thereon and the means of access
thereto. For each succeeding period of ten years the board shall
determine the capital value on a similar basis.

Additional conditional purchase leases.

22. (1) Any holder of a conditional purchase lease, whether Additional
35 applied for before or after the commencement of this Act, or of conditional purchase
any conditional purchase, being a conversion before or after such leases may be made.
commencement of a conditional purchase lease, may make additional
conditional purchase leases or additional conditional purchases, as the
case may be, of Crown lands adjoining the original or any prior
40 additional conditional purchase lease or conditional purchase, or within
areas set apart under section four of the Crown Lands Act Amendment
Act of 1905 for that class of additional holding:

Provided

Provided that in no case shall the applicant be allowed to acquire an area which, together with all other lands held by him under any tenure (other than annual tenure), would in the opinion of the Board exceed a home maintenance area.

Conditions.

(2) A condition of ten years' residence shall attach to every additional conditional purchase lease or additional conditional purchase under this section. 5

Provided that—

(a) if the person fulfilling the condition of residence has immediately before the commencement of the term of such residence continuously resided upon some conditional purchase lease or conditional purchase of the same series, the term of residence shall be reduced by the period of such continuous residence; but if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires. 10 15

(b) a person residing upon any conditional purchase lease or conditional purchase of a series shall for the purpose of any conditions of residence be taken to be residing upon every conditional purchase lease or conditional purchase of the series. 20

Application of
Principal Acts.

(3) The provisions of the Principal Acts relating to original conditional purchase leases and conditional purchases being conversions of conditional purchase leases shall, *mutatis mutandis*, be applied to any additional conditional purchase lease or additional conditional purchase under this section. 25

Transfers.

(4) Original and additional conditional purchase leases and conditional purchases (being conversions of conditional purchase leases) of the same series shall be deemed to be one holding and shall not be transferred apart or held separately. 30

Residential lease.

Purchase of land
comprised in
residential lease.

23. (1) The holder of any residential lease including any additional residential lease may at any time after the first five years of his lease apply to purchase the land held thereunder. 35

Application.

(2) Application shall be made as prescribed accompanied by a deposit as prescribed to be applied towards the cost of dealing therewith. Such application shall be referred to the Secretary for Mines for consideration, and if he concurs therein it shall be forwarded to the Board for inquiry and report. 40

The Board shall report to the Minister as to whether there are any objections to the granting of the application and generally as to the merits thereof. If the Board deems it expedient to recommend

recommend the granting of the application it shall proceed to appraise the value of the land subject to the provisions of section six of the Crown Lands Act 1889.

After receipt of such report the Minister may at his discretion grant or refuse the application :

Provided that any right title or interest acquired under the Mining Act, 1906, or any Act thereby repealed in respect of any portion of such land shall not be prejudicially affected by any such purchase.

Any areas required for roadways or other public purposes may be excluded and the boundaries may be otherwise modified at the Minister's discretion.

(3) The price of the land shall be as appraised by the Board, and the purchase money, together with all costs and deed fees, shall be paid within three months, or within such further time as the applicant may desire and the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Failing payment as aforesaid, the application to purchase shall lapse, and all moneys paid in connection therewith will be forfeited.

(4) It shall not be competent for any person to hold more than one purchase made under this section, and no transfer or conveyance or assignment in contravention of this provision shall be valid for any purpose whatsoever.

Restriction of transfer.

24. Notwithstanding anything to the contrary in the Principal Acts (but subject to sections eleven and thirteen of the Crown Lands Act Amendment Act, 1903) no conditional purchase lease, or conditional purchase being a conversion of a conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall be transferable until five years of the condition of residence attaching to such holding have been performed unless the Minister is satisfied that the holder is compelled by sickness of himself or family or other adverse circumstances to leave such holding.

Where a settlement lease, issued before or after the commencement of this Act, is assigned, sublet, or transferred within ten years after the confirmation by the Land Board of the application for the lease, the Minister may require the rent for the unexpired portion of the then current period of ten years of the lease to be determined by the Board.

25. (1) Notwithstanding anything to the contrary in the Principal Acts, an original conditional purchase or conditional purchase lease or homestead selection or settlement lease applied for after the commencement of this Act, or any additional holding held in virtue thereof

Price and payment of purchase money.

Only one purchase may be held.

Limitation of transfer of conditional purchase leases and settlement leases.

Limitation of transfer of conditional purchase leases and settlement leases, and subdivisions of same.

thereof (including any original or additional holding into which a homestead selection or settlement lease or special lease or church and school lands lease has been converted under this Act) or any part of a conditional purchase, homestead selection, or settlement lease, being a subdivision made under this Act, shall not be transferable, 5 except by way of mortgage only,—

- (a) to a person who, at the date of the proposed transfer, already holds under any tenure (other than annual tenure) an area which, when added to the area proposed to be acquired by transfer, will, in the opinion of the Minister, exceed a home 10 maintenance area; or
- (b) to a married woman who is not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction, unless the Minister is satisfied that the area already held by such married woman and by her 15 husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer, will not in the opinion of the Minister, exceed in the aggregate, a home maintenance area.

Application.

(2) Application for permission to transfer except by way of 20 mortgage, any such holding as aforesaid shall be made to the Minister in the prescribed form, and such transfer shall not be effected unless the Minister's consent thereto has been obtained.

Residence.

(3) When any such conditional purchase or conditional purchase lease, or any additional holding held in virtue thereof, is 25 transferred (except by way of mortgage), the transferee shall, within three months after the Minister's consent to the transfer has been obtained, commence, and thereafter continue to reside for two years on the land included in the purchase, lease, or holding; and the fact that residence by any former holder or transferee had been previously 30 performed in respect of the said land shall not relieve the transferee from the fulfilment of the two years' residence as herein provided:

Provided that the Board may, on sufficient reason being shown, waive such condition of residence in any case where it is satisfied that the land is held and used bona fide as the chief source of maintenance 35 of the holder and his family.

Nothing herein contained shall operate to reduce the term of residence to be performed by any transferee in any case where a conditional purchase or conditional purchase lease is transferred before the completion of the ten years' residence attaching thereto. 40

Devolution on death.

(4) If any such purchase, lease, selection, or holding 40 devolves under a will or on intestacy upon a person who is not qualified under this section to be a transferee thereof, such person may nevertheless hold such purchase, lease, selection, or holding for a period of three years after the death of the testator or intestate, or for such 45 further period as the Minister may permit. Within

Within any such period such person may, on application to the Minister, and on showing that he is then qualified under this section to be a transferee as aforesaid, receive from the Minister a certificate to that effect, which shall entitle him to hold such purchase, lease, 5 selection, or holding; or such person may, subject to this section and notwithstanding the provisions, express or implied, of any will under which he claims, sell and transfer the purchase, lease, selection, or holding:

10 Provided that where such person is a trustee not solely entitled beneficially to the said purchase, lease, selection, or holding, he shall, before effecting any sale or any transfer in pursuance of this section, obtain the directions of the Chief Judge in Equity as to the manner of such sale, and as to the disposal of the proceeds thereof. Such directions may be obtained on petition or on originating summons.

15 If such person does not within any such period obtain the certificate of the Minister as aforesaid, nor transfer the purchase, lease, selection, or holding as aforesaid, the same shall be liable to forfeiture, and on notification by the Minister in the Gazette may be forfeited, and shall thereupon revert to the Crown.

20 (5) No transfer or conveyance or assignment in contra-
vention of the provisions of this section shall be valid for any purposes whatsoever. Transfer, &c., void.

(6) The provisions of this section are extended so as to 25 apply to any such original or additional conditional purchase or original or additional homestead selection, whether a grant in respect of the same has or has not issued. Application of section.

Subdivision of holdings.

26. Section thirty-four of the Crown Lands Act of 1895 is 30 repealed, and the following is substituted for it:— Subdivision of conditional purchase.

34. Any conditional purchase of not less than one hundred acres may, upon application by the holder at any time after the issue of a certificate of conformity in respect thereof, be subdivided into portions which shall in no case be less than forty acres each.

The application shall be made as prescribed, accompanied by 35 the prescribed deposit, to be available for the payment of the costs of any survey and report which may be required; the applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, and such surrendered land shall thereupon become Crown land, free from any claim of the conditional purchaser 40 thereto.

The Minister shall settle the lines of subdivision so as to conform to any regulations made in that behalf, and shall determine the portion of the subdivided conditional purchase to which any conditional lease acquired by virtue of the conditional purchase before the subdivision 45 thereof shall be attached. The

The Minister may modify or refuse any application under this section.

After subdivision the original certificate of conformity issued in respect of the conditional purchase affected shall be surrendered, and a new certificate issued for each part. 5

Each portion of the subdivided conditional purchase shall, subject to regulations hereunder, be held as a separate conditional purchase, and may be separately transferred to a qualified person: But the holder of any such portion shall not be entitled to apply for an additional conditional purchase in virtue thereof, and the person 10 obtaining the subdivision shall be debarred from applying for additional land in virtue of the series unless he has previously obtained the Minister's permission in writing.

Subdivision of
homestead selections
and settlement
leases.

27. Subject to regulations to be made hereunder, the holder of any homestead selection or settlement lease who desires to transfer 15 a part of his selection or lease, as the case may be, may make application to the Minister upon the prescribed form for the subdivision of his selection or lease into two or more portions. The application shall be accompanied by the prescribed fees, to be available for the payment of the costs of any survey or reports which may be required. 20 The applicant shall surrender such land as may be necessary for providing roads of access to the subdivided portions, which land shall thereupon become Crown land, free from any claim of the homestead selector or settlement lessee thereto.

The Minister shall settle the lines of subdivision so as to 25 conform to any regulations made in that behalf, and may modify or refuse any application under this section.

After subdivision, the homestead selector or settlement lessee shall surrender the grant (if issued) or the lease for the homestead selection or the settlement lease, as the case may be, and separate 30 grants or leases shall be issued for each of the parts, which shall contain such covenants and conditions as may be approved of by the Minister.

Each part shall be capable of separate transfer to any qualified person, and, subject to the right of conversion under this Act, shall 35 continue to be held for the balance of the term or period at the same rental per acre as before subdivision, and shall be subject to the same conditions as if each were a separate homestead selection or settlement lease: Provided that the holder of any such part shall not be entitled to apply for an additional homestead selection or an additional 40 settlement lease in virtue thereof, and the person obtaining the subdivision shall be debarred from applying for additional land in virtue of the homestead selection or settlement lease unless he has previously obtained the Minister's permission in writing.

Removal

Removal of timber.

28. No holder of a conditional purchase or homestead selection applied for after the commencement of this Act shall cut or remove timber therefrom for sale unless he pays royalty thereon in accordance with the regulations framed under section one hundred and fifteen of the Crown Lands Act of 1884. Removal of timber from conditional purchases and homestead selections.

The Minister may also impose special conditions as to the clearing, cutting, preservation, or planting of timber, or such other matters relating thereto as he thinks fit.

10 Any breach of the provisions of this section shall render such holder liable to pay to the Crown as prescribed such amount as the Board may fix, not exceeding the value of the timber cut or removed, and shall render the holding liable to forfeiture.

Any such amount may be recovered as a Crown debt in any court of competent jurisdiction.

Notification of areas set apart to revoke included reserves.

29. Notwithstanding anything to the contrary in the Principal Acts, the setting apart of any land for original or additional conditional purchase, conditional lease, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves, or parts of reserves, or population areas within the boundaries of the lands so set apart, unless expressly excluded from revocation by the terms of the notification. Such revocation shall take effect on the expiration of the day immediately preceding the day upon which the land is notified as available. Notification of areas set apart to revoke included reserves.

Volunteer land orders.

30. Notwithstanding anything to the contrary in the Volunteer Force Regulation Act of 1867, the Acts thirty-ninth Victoria number twelve and forty-first Victoria number fifteen, the Crown Lands Act of 1884, or the Crown Lands Act Amendment Act, 1903, or any regulations, proclamations, or notifications made or purporting to be made under any of the said Acts, no person shall have any right to a free grant of any Crown land in virtue of a volunteer land order or certificate, nor shall any such grant issue unless an application for or claim to such grant is lodged or made in the manner prescribed within two years after the commencement of this Act. Volunteer land order claim to grant.

All applications for grants of land in virtue of volunteer land orders or certificates lodged or made as aforesaid shall be dealt with by the Board, which shall determine as to the availability of the land applied for and for that purpose shall have all the powers conferred on Local Land Boards by the Crown Lands Acts. Appeals and

references in respect of any determination of a Board under this section may be made and shall be dealt with as under the Crown Lands Acts.

Suspension or remission of conditions.

Suspension of
performance of
conditions.

31. If the person entitled to any holding under the Crown Lands Acts is or has been prevented by sickness of himself or family or other adverse circumstances from fulfilling the condition of residence attached to his holding, and desires the remission or suspension of the performance of such condition, or desires to live in a village or town within a reasonable distance of his holding for the purpose of educating his children, the Board may, on application as prescribed, and on sufficient reason being shown, remit or suspend such condition for such periods and on such conditions as it may determine, or may permit such condition of residence to be performed in any such village or town. 5 10 15

The non-performance or breach of any condition so imposed by the Board shall render the holding liable to forfeiture.

Annual payments on conditional purchases.

Annual payments
on conditional
purchases on
appraisement.

32. Notwithstanding anything to the contrary in subsection four of section one of the Crown Lands (Amendment) Act, 1899, or section nine of the Appraisement Act, 1902, where on application for appraisement under either of those Acts the capital value of a conditional purchase has, before or after the commencement of this Act, been determined by the Board, or, on appeal or reference, by the Land Appeal Court, the annual payments falling due in respect of the conditional purchase after the day on which such application was lodged with the land agent shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined. 25

Additional settlement leases.

Term and
appraisement of
rentals of additional
settlement leases.

33. The term of an additional settlement lease, whether applied for or acquired before or after the commencement of this Act, shall cease upon the termination of the original settlement lease in virtue of which it was applied for or is held. 30

Where any appraisement is made of the rental of the original settlement lease, an appraisement shall at the same time be also made of the rental of any such additional settlement lease. 35

Addition of areas to holding, or to lease or license.

Addition of remnant
areas to conditional
purchase or
homestead selection.

34. Where a strip or portion of Crown land within or adjoining the external boundaries of any measured portion of which part or the whole is the subject of a conditional purchase or homestead selection has 40

has not been included in the area thereof, and is available to be added thereto, the addition may, with the consent of the holder and the approval of the Minister be made, and the grant for the purchase or selection may include such additional land, notwithstanding that the
5 land added may increase the area of such purchase or selection beyond the maximum prescribed by law.

Payment for the added land shall be made at the same rate as is paid for the purchase or selection.

Where, prior to the commencement of this Act, such an addition
10 has been made, and the added land has been included in the grant for the purchase or selection, such grant shall be deemed to have been and to be valid.

35. Where vacant Crown land adjoins, is adjacent to, or is
within the external boundaries of any lease or license, and the lessee
15 or licensee desires that such land or part thereof be added to his lease or license, and the Board reports that in its opinion the land desired to be so added should not be otherwise disposed of, the Minister may, by notice in the Gazette, and subject to such conditions as to him may seem fit, include such land in the lease or license, notwithstanding
20 that the area added may or may not cause the total area included in the lease to exceed the maximum prescribed by law.

The Board shall, in accordance with section six of the Crown Lands Act of 1895, appraise the rent to be paid for such added land and any improvements thereon, and may recommend conditions to be
25 attached to any lease or license of the same.

Exchange of holdings.

36. The following provisions are substituted for subsections two and three of section eleven of the Crown Lands Act Amendment
Act 1903 :—

(2) Notwithstanding anything to the contrary in the
30 Principal Acts, holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, or homestead selections or grants may, with the approval of the Minister, upon the recommendation of the Board, by transfer, exchange their
35 holdings or portions thereof : Provided that an exchange of portion of a holding shall be permitted only where the respective holdings are of identical tenure, and the portions if exchanged will, in the opinion of the Board, be within a reasonable working distance of the holdings to which they are to be attached.

(3) The condition of residence attaching to any portion of
40 a holding may be fulfilled by residence on any holding to which such portion has by the exchange become attached.

Deposits

Deposits for conditional purchases.

Amount of deposit
on conditional
purchase.

37. Notwithstanding anything to the contrary in the Principal Acts, the deposit to be lodged with an application for a conditional purchase or an additional conditional purchase (other than a non-residential conditional purchase), shall be at the rate of five per centum 5 of the price of the land applied for:

If the applicant desires to defer the payment of the prescribed survey fee in respect of any such purchase, or of a conditional lease, homestead selection, or settlement lease, such fee may be paid in five equal yearly instalments with interest at the rate of four per centum 10 per annum on the amount unpaid. The first of such instalments shall be made with the application.

Improvements.

Tenant-right in
improvement leases

38. Notwithstanding anything to the contrary in the Crown Lands Act of 1895, a condition in any improvement lease (whether 15 executed before or after the commencement of this Act) affecting the tenant-right of the lessee in improvements shall be valid.

Improvements in
surrendered lands
added to adjoining
holdings.

39. Where any surrendered lands are, before or after the commencement of this Act, added to any adjoining holdings under section forty-seven of the Crown Lands Act of 1895, with a condition 20 that the improvements thereon shall be paid for, and the Crown and the holders of such adjoining holdings do not agree as to the value of such improvements, the value thereof shall be appraised by the Land Board on the basis laid down in section one of the Crown Lands Act of 1898, or upon a reference by the Minister the Board shall determine 25 the fair rental value of such improvements, and such values or rentals shall be paid in such amounts and at such periods as such board or the Land Appeal Court may determine.

Appraisement of rent of conditional leases.

Appraisement of
rent of conditional
lease.

40. (1) Notwithstanding anything to the contrary in section 30 thirty-five of the Crown Lands Act of 1895, an application by any conditional lessee, or a reference by the Minister, made prior to the commencement of this Act, to have the rent for the term following the first fifteen years period of any conditional lease determined in accordance with the provisions of section six of the Crown Lands Act 35 of 1889, shall not be invalid by reason only that such application or reference was not made within twelve months after the expiration of the said first period of the lease.

(2) But any application or reference as aforesaid made after the commencement of this Act shall be made within twelve 40 months after the expiration of the said first period of the lease.

(3)

(3) Provided that if in any case the rent has not, before or after such commencement, been determined within twelve months after the expiration of the said first period of the lease, it shall, until such determination, be deemed to have been and to be payable at the same rate as was paid for the said first period.

Fencing.

41. In section one hundred and forty-one of the Crown Lands Act of 1884 the word "lease" in the expression "conditional purchase, or lease, or a homestead lease" shall include and be deemed to have included any lease other than an annual lease.

Amendment of
s. 141 of Crown
Lands Act of 188

The same section is also amended by omitting the words "between conditional purchasers and contributories" and inserting in place thereof the words "under this section."

Amendment of Acts.

42. The several additions, alterations, substitutions, and omissions set out in the Schedule hereto shall be made in the sections and subsections of the Acts mentioned in such Schedule.

Amendments
specified in Schedul

Regulations.

43. For the purposes of this Act, the Governor may make regulations prescribing the mode of procedure in connection with any application under this Act, and any conditions to be attached to and under which the subject of any such application may be given effect to and completed; also for the purpose of carrying this Act into full effect generally. Such regulations upon being published in the Gazette shall be good and valid in law.

egulations.

Crown Lands (Amendment).

SCHEDULE.

Title of Act.	No. of section and subsection.	Amendment.	
Crown Lands Act of 1884	11	The words "Provided that any chairman so appointed may by the Minister be directed to act as chairman of any Local Land Board for any land district or for several land districts and the Board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding" are inserted after the word "sanction."	5 10
Crown Lands Act of 1884.	17	The words "district surveyor" are substituted for the words "chairman of the board" and "chairman" respectively.	15
Crown Lands Act of 1884.	25	The words "Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the Board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty" are inserted after the word "description"	20
Crown Lands Act of 1884.	35	The word "eighteen" is substituted for the word "seventeen"	
Crown Lands Act of 1884.	36	The words "No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats" are omitted.	25 30
Crown Lands Act of 1884.	81	"Minister" is substituted for "Governor"	
Crown Lands Act of 1884.	81 subsec. (iii)	The words "and on such conditions as the Minister may think fit" are added.	35
Crown Lands Act of 1884.	85	"Minister" is substituted for "Governor" The words "such conditions as the Minister may think fit and to the provisions following" are substituted for the words "the provisions following"	40
Crown Lands Act of 1884.	89	"Minister" is substituted for "Governor"	
Crown Lands Act of 1884.	90	"Minister" is substituted for "Governor" The words "Any such conditions reservations or provisions may on application by the lessee in the prescribed manner and on the recommendation of the Board be varied modified or revoked by the Minister" are inserted after the word "fit"	4
Crown Lands Act of 1884.	95	The words "at any time before the expiration of twelve months from date of such offence" are inserted after the word "laid"	50

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1884.	98 subsec. (iii)	The words "or from camping or grazing (free of charge). Such horses or other animals as may be necessary for the bona fide pursuit of their calling and while legitimately employed as aforesaid upon such land" are inserted after the word "license"
10 Crown Lands Act of 1884.	101	"Minister" is substituted for "Governor."
Crown Lands Act of 1884.	107, 108, 109, 112	"Minister" is substituted for "Governor."
15 Crown Lands Act of 1884.	136	The words "reserved from homestead selection or settlement lease or conditional purchase or conditional lease until otherwise notified in the Gazette" are inserted after the words "Crown land"
Crown Lands Act of 1889.	4	"Minister" is substituted for "Governor" in the definition of "scrub."
20 Crown Lands Act of 1889.	13	The words "the Chairman of the Land Board may refer the same to the District Surveyor, and" are omitted. The following words—"he may with applicant's written consent cause the land to be measured in a modified form. Should the applicant decline to accept the proposed modification" are inserted after the word "exist" where first occurring in the section.
25 Crown Lands Act of 1889.	14	The words "Where a declaration required by the Crown Lands Acts has not been lodged the Board may permit such omission if not wilful to be supplied and the required declaration to be furnished" are inserted after the word "requirements."
30 Crown Lands Act of 1889.	18	The words "Areas shall be conditionally purchased as notified in such proclamation, and any such area may be more or less than forty acres" are inserted after the word "Division" and the words "subject to the provision of section twenty-seven of this Act" are omitted.
35 Crown Lands Act of 1889.	25	The words "in respect of which no forfeiture shall have been incurred" are omitted and the words "not liable to forfeiture" are substituted therefor. The words "The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him notwithstanding the fact that he may not be the holder of the original conditional purchase of the series" are added to the section.
40 Crown Lands Act of 1889.	26	The words "a conditional purchase" are inserted after the words "any applicant for"
45 Crown Lands Act of 1889.		The words "land conditionally purchased" where first occurring in the section are omitted and the words "a conditional purchase made" substituted.
50 Crown Lands Act of 1889.		The word "land" where next occurring is omitted, and the words "conditional purchase" substituted therefor.

Crown Lands (Amendment).

SCHEDULE —continued.

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1889.	27	The words "at the discretion of the District Surveyor or" are inserted after the words "such portion may"
Crown Lands Act of 1889.	33	The words "and the first applicant shall have the right to an annual lease of the land applied for (subject to modification by the Board)" are omitted and the following substituted "subject to the Minister's approval and any modification by the Board"
Crown Lands Act of 1889.	35	The words "gazettal thereof" are substituted for the words "allotment or approved by the Board"
Crown Lands Act of 1889.	37	The words "three months from the date of a demand made as prescribed for such rent" are substituted for the words "one month from the date of the notice in the Gazette"
Crown Lands Act of 1889.	39	The words "or any lands of inferior character or in isolated positions that are held under annual lease" are inserted after the word "abandoned" in first paragraph. "Minister" is substituted for "Governor"
Crown Lands Act of 1889.	44	The words "from sale, lease, or license, or any withdrawal from lease or license" are inserted between the words "reserve" and "made" and the words "or after" are inserted between the words "before" and "the"; and the words "or withdrawal" are inserted after "reserve" in the expression "in respect of any reserve from lease or license"
Crown Lands Act of 1889.	44	The words "But upon application being made within the time and in the manner prescribed the Minister may permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license" are inserted after the word "Crown" where first occurring in the section.
Crown Lands Act of 1889.	44	The words "or any other person" are inserted after the words "by the owner of such improvements"
Crown Lands Act of 1889.	48	"Minister" is substituted for "Governor."
Crown Lands Act of 1895.	13	The words "and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may by agriculture or by agriculture combined with any other ordinary pursuits be enabled to establish and maintain his home thereon" are omitted.
Crown Lands Act of 1895.	13	The words "the timber thereon and means of access thereto" are inserted after the word "land", and the words "and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon" are omitted.
Crown Lands Act of 1895.	16	"Minister" is substituted for "Governor."

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Act of 1895.	17	The following words are inserted after the word "grant" at the end of the first paragraph :—" Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow : Provided also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued."
10		
15		
20		
Crown Lands Act of 1895.	25	The word "instalment" is omitted and the word "amount" substituted.
	subsec. (b)	
25	subsec. (d)	The words " Provided that the Board on the application in the prescribed manner of the lessee may grant him an exemption from fencing any part of the farm but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act " are inserted at the end of the subsection.
30	subsec. (f)	The words " The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing upon a part thereof included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for " are inserted at the end of the subsection.
35		
Crown Lands Act of 1895.	27	The following words are added at the end of the section :—" Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection."
40 Crown Lands Act of 1895.	30	The word "immediately" is inserted after the word "has"
	subsec. (a)	The words " of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires " are substituted for the words " during which residence was previously carried on but not so as in any case to be reduced to less than five years "
45		

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act of 1895.	40	After the words "duly given" and before the first proviso the following paragraph is inserted:—"Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase."
Crown Lands Act of 1895.	40	The words "in respect of, a holding applied for before or after the commencement of this Act" are inserted after the word "certificate" in the last proviso.
Crown Lands Act of 1895.	43 subsec. (b)	"Minister" is substituted for "Governor." The words "the allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be prima facie evidence that the land is not so held or used" are inserted next after the words "all moneys paid thereon."
Crown Lands Act of 1895.	48	The words "Provided also that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are inserted next after the words "in the said section."
Crown Lands Act of 1895.	49	The words "or to be otherwise undesirable" are inserted next after the words "public or general interest."
Crown Lands Act of 1895.	49	The words "if an application for an annual lease be withdrawn otherwise than before or immediately after a ballot or be refused a reasonable sum for rent (if the land has been occupied) from the date of such application and for costs incurred in dealing therewith may be retained from the deposit" are added to the section.
Crown Lands Act of 1895.	59	The words "or that a rehearing or further consideration is warranted" are inserted at the end of the first paragraph.
Crown Lands (Amendment) Act, 1899.	8	The words "Provided that without making such complaint the Minister may by notification in the Gazette cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit" are added after the words "such board may determine" in the fourth paragraph.

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Appraisement Act, 1902.	2	The words in the definition of a holding "or as homestead selection" are added after the word "series."
Appraisement Act, 1902.	5	The following is inserted at the end of subsection one: "but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board."
10		The following is added at the end of subsection two:—"In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall, for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband in respect of which the capital value has been so determined."
15		
20 Appraisement Act, 1902.	10	The words "Provided that, upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee" are added.
Appraisement Act, 1902.	11	The words "to such purchase or lease" are omitted.
25 Crown Lands Act Amendment Act of 1903.	5	The words "if the Minister so directs when giving his consent to the transfer" are inserted before the word "Provided."
Crown Lands Act Amendment Act of 1903.	11	The words "and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding" are added after the words "maintain his home thereon"
30	subsec. (1)	
Crown Lands Act Amendment Act of 1903.	14	In the second paragraph the word "one" before the word "holder" is omitted.
35		The words "to those purchases in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and ten and only" are inserted after the word "only" in the expression "and shall apply only in cases where"
40		The following words are inserted after the word "series":—"Provided that when any such conditional purchase is held by two or more persons as joint holders such persons shall be deemed to be a holder and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase"
45		
50		In the last paragraph, the word "also" is inserted before the words "that the Board"

*Crown Lands (Amendment).*SCHEDULE—*continued.*

Title of Act.	No. of section and subsection.	Amendment.
Crown Lands Act Amendment Act of 1903.	15	The words "Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part" are added after the word "section" in the expression "mentioned in this section"
Crown Lands Act Amendment Act of 1903.	17	The words "Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman together with all lands held (other than under annual tenure) by her and by her husband will not in the aggregate exceed a home maintenance area" are added at the end of the section.
Crown Lands Act Amendment Act of 1903.	23	The words "held by him on the first day of January one thousand nine hundred and three" are omitted. The word "a" is substituted for the words "an improvement"
Crown Lands Act Amendment Act of 1903.	30	The word "ten" is substituted for the word "seven" The words "the passing of this Act" are omitted.
Crown Lands Act Amendment Act of 1903.	33	The words "within a reasonable working distance of each other" are added after the words "Crown Lands Acts"
Crown Lands Amendment Act of 1905.	4	A new paragraph in the following words:—" (e) additional conditional purchase leases" is inserted next after the paragraph "(d) additional settlement leases."
Crown Lands Amendment Act of 1905.	4	The following subsection is added at the end of the section:—" (4) The areas of land set apart by the Minister may be limited to the surface only of such land or to the surface and to such depth below the surface as may be specified in the notification and such areas shall also be subject to any reservations of timber scrub or undergrowth and to such other reservations and restrictions as to the Minister may seem necessary in the public interest and are specified in the notification."
Crown Lands Amendment Act of 1905.	5	In subsection (1) a new paragraph "(d) conditional purchase lease" is inserted after paragraph (c), and the words "or applicant for" are inserted next after the expression "the holder of" wherever occurring in the subsection. Subsection (2) is repealed, and the following substituted:—" No application for an additional conditional purchase, additional purchase lease, additional homestead selection, or additional settlement lease shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease while any previous application under this section for such additional holding remains undisposed of." In subsection (4) the words "or conditional purchase lease" are inserted after the words "settlement lease."

SCHEDULE—continued.

Title of Act.	No. of section and subsection.	Amendment.
5 Crown Lands Amendment Act of 1905.	7	The words "on any question as to" after the word "section" and the whole of subsections (1) (2) (3) (4) and (5) and the words "a decision of the Board on any of the foregoing questions" are omitted. The word "it" is inserted after the word "refer"
10 Crown Lands Amendment Act of 1905.	8	In the last sentence the word "Minister" is substituted for the word "Board" and the words "by notice in the Gazette" are inserted between the words "may" and "attach," and the words "of the prescribed" are omitted.
15 Crown Lands Amendment Act of 1905.	9	The words "or conditional purchase leases" are inserted after the words "homestead selections," and the words "or conditional purchase lease" are inserted after the words "homestead selection," wherever appearing in the section.
20 Crown Lands Amendment Act, 1905.	10	In paragraph (a) the words "and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may by agriculture dairy-farming or grazing either separately or combined be enabled to establish and maintain his home thereon" are omitted and the words "of such areas as the Minister may determine" substituted.
25 Crown Lands Amendment Act, 1905.	14	Paragraph (a) is omitted and the following words substituted therefor:—" (a) Land the total area of which does not exceed forty acres."
30 Crown Lands Amendment Act, 1905.	28	In paragraph (a) the word "original" is omitted and the words "other than those for additional holdings within areas set apart under section four of this Act" are inserted after the word "holdings."

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[1s. 6d.]

CHICAGO, ILL., MAY 1, 1914

TO THE EDITOR:—I have the honor to acknowledge the receipt of your issue of April 28, 1914, and to thank you for the interest and information it contains.

I am particularly interested in the article on the "New Method of Treating Syphilis" by Dr. J. H. Smith, which I have read with much interest.

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Synopsis of Conversion of Tenures Bill (Crown Lands Bill, 1908).

Conversion of homestead selections.

Clause 3

Provision is made for the registered holder or person entitled to the equity of redemption of any homestead selection or grant applying to convert the same into—

- (a) a conditional purchase lease;
- (b) a conditional purchase; or
- (c) a conditional purchase and conditional lease.

If homestead selection is subject of a mortgage, both mortgagor and mortgagee shall join in application.

A person shall not, except with the permission of the Minister, convert more than one homestead selection. That upon conversion, the holding shall be subject to the general provisions of the Crown Lands Acts in respect of the particular class of holding, except that the term of residence is reduced by the period of continuous residence which has been performed by the applicant immediately prior to the application for conversion. Clause 25, however, provides that upon transfer of the holding at any time the transferee shall reside thereon for two years. The residence may be waived by the Board only in cases where it is satisfied that the land is used bona fide as the chief source of maintenance of the holder and his family. And the annual instalments will commence and be payable at the expiration of the first year after conversion. Residence.

That any forfeiture of a conditional lease or additional conditional purchase made out of such lease shall operate as a forfeiture of the whole holding.

Clause 4

Provides that upon conversion into a conditional purchase lease, or a conditional purchase, the capital value thereof shall be appraised by the Local Land Board, unless the capital value has been so determined within five years before the commencement of the Act, or was determined after such commencement and within three years prior to application for conversion. Capital value and rental.

Upon conversion of any part of a homestead selection into a conditional lease, the rental thereof for the first ten-years' period shall be $2\frac{1}{2}$ per cent. of the appraised capital value of the conditional purchase. Rental of conditional lease.

Conversion of settlement leases.

Clause 5

Provides that on application the registered holder or person entitled to the equity of redemption of any settlement lease may convert the same into a conditional purchase or into a conditional lease, subject to the conditions following; if subject to mortgage, mortgagor and mortgagee shall join in application.

The whole area may be converted where, in the opinion of the local land board, it does not exceed a "home-maintenance area," when reasonably improved by necessary ringbarking, suckering, clearing, and provision for water supply. Where the whole area exceeds a home-maintenance area when reasonably improved as aforesaid, land to the extent of such a home-maintenance area or any smaller area (not less than one fourth) may be converted into a conditional purchase, and the balance of the area of the settlement lease shall be converted into a conditional lease. Area.

It is also provided that in no case shall the unimproved value of the area converted into a conditional purchase be in excess of £3,000.

Withdrawal of application.

If the applicant is dissatisfied with the Board's determination of the home-maintenance area he may, within one month, withdraw his application for conversion.

Deposit.

A provisional deposit of one shilling per acre is to be paid with the application, as payment or part payment of a deposit to be made of five per centum of the capital value to be determined.

Cost.

Cost of survey or subdivision is to be paid.

Clause 6.

Upon conversion the conditional purchase or lease is to be subject to any special conditions which attached to the settlement lease, and to the general provisions of the Crown Lands Acts relating to conditional purchases and conditional leases, and also to the following provisions :—

Termination of conditional lease.

(a) Any conditional lease shall terminate on the date when the settlement lease would have expired.

Rental of conditional lease.

(b) The rent payable for any conditional lease shall be at the same rate as was payable for the settlement lease, but shall be subject to the same provision as to reappraisement that attached to the settlement lease.

Additional conditional purchase.

(c) Additional conditional purchase may be made out of the conditional lease to the extent that the area of the original conditional purchase and any additional conditional purchases shall not exceed what in the opinion of the board would, when improved by necessary ringbarking, suckering, scrubbing, clearing, and provision for water supply, and when used for the purpose for which it is reasonably fitted, be sufficient for the maintenance in average seasons and circumstances of an average family.

Maximum unimproved value.

(d) In no case shall the unimproved value of land to be converted into a conditional purchase exceed £3,000.

Additional conditional purchase land outside area of settlement lease.

(e) Additional conditional purchases outside the area of the settlement lease cannot be made unless the total area held under any tenure, other than annual tenure, when added to such additional conditional purchase will not exceed a home maintenance area as defined by the Act.

Limitation of conversion.

(f) More than one conversion of a settlement lease cannot be made unless with the Minister's approval.

Forfeiture.

(g) Forfeiture of any additional conditional purchase or conditional lease shall involve the forfeiture of the whole holding.

Mining right.

(h) Existing mining rights or titles are preserved.

Clause 7

Price

Provides that on conversion the price of the land shall be determined by the local land board under the provisions of section 6, Crown Lands Act, 1889, unless an appraisalment of the rent by the board has taken place within five years prior to the commencement of the Act, or within three years thereafter, when the price of the conditional purchase is to be such rental capitalised on a $2\frac{1}{2}$ per cent. basis.

Payment of purchase money.

Purchase money to be paid by instalments of 5 per centum thereof, commencing at the end of the first year from the date of application or within three months thereafter, until balance of purchase money and interest at the rate of $2\frac{1}{2}$ per cent. has been paid.

Clause 8

Residence.

Provides that a condition of ten years residence shall attach to every conditional purchase or conditional lease (inadvertent omission occurs in the Bill), but such term is to be reduced by the period of continuous residence performed by applicant immediately prior to application for conversion. Clause 25 however provides that upon transfer of the holding at any time the transferee shall reside thereon for two years. The residence may be waived by the board only in cases where it is satisfied that the land is used bona fide as the chief source of maintenance of the holder and his family.

Clause 9.

Reserved land.

Reserved land within the area of a settlement lease is not convertible into a conditional purchase unless and until such reservation is revoked.

Conversion of non-residential conditional purchases into ordinary conditional purchases.

Clause 10

Provides that the holder of any original or additional non-residential conditional purchase may convert the same into an original conditional purchase, which shall be subject to the provisions and conditions of the Principal Acts relating thereto.

The term of ten years' residence to commence from date of application for conversion, but shall be reduced by any period (not exceeding five years) of continuous residence on the land performed by the applicant immediately prior to application for conversion. Residence.

Moneys paid in respect of the non-residential conditional purchase (exclusive of interest) to be credited towards payment of the conditional purchase into which it is converted. If the total amount paid as purchase money (exclusive of interest) exceeds the price of the land as an ordinary conditional purchase, such total amounts are to be deemed the purchase money. Purchase money.

Conversion of special leases and of church and school lands leases.

Clause 11

Provides for the holder of a special lease or a church and school lands lease for agricultural or pastoral purposes applying to convert it into—

- (a) a conditional purchase lease (original or additional) ; or
- (b) a conditional purchase (original or additional) ; or
- (c) a homestead selection (original or additional) ; or
- (d) a settlement lease (original or additional).

The applicant must be qualified under the Crown Lands Acts to apply for the particular class of holding into which he desires to convert his lease. Qualification of applicant

The Secretary for Mines must approve of the application if the land is within a proclaimed gold-field or a mineral field. Gold-field or mineral field.

The land to be converted, and any other land held by applicant under any tenure (other than annual tenure), must not exceed a home maintenance area. Area.

If the lease is to be converted into an additional holding, it must be adjoining or adjacent to the basal holding. A provisional deposit, as prescribed, must be lodged with the application. Additional holding.

The Board must report as to whether there is any objection, in the public interest, to the granting of the application, and appraise the capital value, price, or rent of the land. The Minister, at his discretion, may grant or refuse the application. Board's report before approval of application. Value, price, or rent. Costs.

Costs of survey or subdivision to be paid by the applicant.

Any purchase or lease is to be subject to regulations under the Act, and to general provisions of the principal Acts. Provisions of Principal Acts applicable.

Term of residence is to be reduced by the period during which continuous residence immediately prior to application for conversion has been performed by the applicant upon the special lease or church and school lands lease, or upon the holding in virtue of which the lease is converted into an additional holding. Residence.

General Provisions Relating to Conversions.

Clause 12

Provides that any forfeiture of an additional holding shall involve forfeiture of the whole holding. Forfeiture.

Clause 13

Protects any mining title acquired prior to application for conversion.

Mining titles protected.

Surrender of improvement and scrub leases.

Clauses 14 to 18

Provide that, upon a resolution of both Houses of Parliament, the Minister may, by notification in the Gazette, withdraw any improvement or scrub lease of lands situated within fifteen miles of a railway and reported by an advisory board constituted under the Closer Settlement Act, as suitable to be acquired for closer settlement.

Compensation to be paid to the lessee according to agreement, or as may be determined, in accordance with section 18 of Closer Settlement Act, 1904. Compensation.

The measure of compensation is to be the value of the lease to the lessee, together with the value of the improvements thereon, having regard to the terms of the lease, and particularly as to whether he has or has not tenant-right in improvements, and to the right of the Minister to withdraw the whole or any part of the land during the term of the lease.

*Special conditional purchase leases.***Clauses 19, 20, and 21**

Provide that the Minister may, by notification in the Gazette, set apart areas for the disposal by way of special conditional purchases leases—such lands to be available for any other class of purchase or lease, unless in the notification it is expressly provided to the contrary.

Qualification of applicant. A person qualified under the Principal Acts may apply for any area not less than twenty and not exceeding three hundred and twenty acres.

The order of priority of conflicting applications are to be determined in accordance with section twenty-eight of Crown Lands Act, 1905.

Deposit. Deposit of rental at the rate of sixpence per acre, and a survey fee, as prescribed, to be lodged with the application.

Conditions. No residence required, but applicant must effect substantial improvements to a value of one pound per acre or such lesser value as the Minister may deem sufficient—not less than ten shillings per acre. Improvements. Such improvements to be completed within three years from date of confirmation of the application.

Capital value. Capital value for first ten years to be appraised by Board according to capabilities and situation of the land, the timber thereon, and means of access thereto. For each succeeding period of ten years the Board is to determine the capital value on a similar basis.

*Additional Conditional Purchase Leases.***Clause 22**

Provides that any holder of a conditional purchase lease, or of a conditional purchase being a conversion thereof, before or after the commencement of this Act, may make additional conditional purchase leases or additional conditional purchases of Crown lands adjoining the original conditional purchase lease or conditional purchase, or within areas set apart under section 4 of Crown Lands Act, 1905, for that class of holding.

Area. The area applied for and that held by applicant under any tenure (other than annual tenure) must not exceed a home maintenance area.

Residence. Residence for a term of ten years is attached to every additional holding, but such residence is to be reduced by the term of continuous residence performed by the applicant on the series immediately prior to the application for the additional holding, but if the holding be transferred within ten years from such date the transferee must perform residence until the expiration of the ten years' residence term.

Provisions of Principal Acts applicable. Provisions of the Principal Acts relating to original conditional purchase leases, and conditional purchases being conversions thereof, to be applicable (*mutatis mutandis*) to additional holdings. Original and additional holdings to be deemed one holding.

*Residential Leases.***Clause 23**

Provides that the holder of any original or additional residential lease may at any time after the first five years of the lease apply to purchase the land held under lease.

Deposit. Deposit as prescribed to be paid.

Secretary for Mines to concur. Secretary for Mines to concur in the application, and the Board is to inquire and report thereon, and, if it deems it expedient to recommend the granting of the application, it is to appraise the value of the land.

Minister for Lands may grant or refuse application. Minister may at his discretion grant or refuse the application.

Mining titles. Mining titles not to be prejudiced.

Price, and payment thereof. Price as appraised to be paid within three months, or within such further time as may be desired by the applicant and approved by the Minister.

Limitation. A person shall not hold more than one such purchase, and no transfer or assignment in contravention of this provision shall be valid for any purpose whatsoever.

*Restriction of Transfer.***Clauses 24 and 25**

No transfer until after five years' residence. Provide that no conditional purchase lease or conditional purchase, being a conversion from conditional purchase lease, and no settlement lease applied for after the commencement of this Act shall

be transferable until five years of the residence term has been performed, unless the Minister is satisfied that the holder is compelled by sickness of himself or family, or other adverse circumstances, to leave the holding.

Also, that upon transfer of any such settlement lease within ten years from confirmation of the application, the Minister may direct an appraisal of the rental for the unexpired current period of the lease.

Also that a conditional purchase or conditional purchase lease, or homestead selection or settlement lease, or any additional holding of those classes (including any original or additional holding into which a homestead selection or settlement lease, or special lease, or church and school lands lease has been converted) applied for after the commencement of the Act or any part of a conditional purchase, homestead selection, or settlement lease being a subdivision made under the Act, shall not be transferable except by way of mortgage—

- (a) to a person who already holds under any tenure (other than annual tenure) an area which when added to the area proposed to be transferred will, in the opinion of the Minister, exceed a home maintenance area, or
- (b) to a married woman who is not living apart from her husband under an order for judicial separation, unless the Minister is satisfied that the area held by such married woman and by her husband under any tenure (other than annual tenure), together with the area proposed to be acquired by transfer will not, in the opinion of the Minister, exceed in the aggregate a home maintenance area.

Transfers shall not be effected without the Minister's consent.

Every transferee shall, within three months' after the Minister's consent to the transfer has been obtained, commence and thereafter continue to reside for two years on the holding.

The Board may, on sufficient reason being shown, waive the condition of residence where it is satisfied that the land is held and used bona fide as the chief source of maintenance of the holder and his family.

In the case of devolution under a will, or on intestacy upon an unqualified person, such person may hold the purchase lease selection holding for a period of three years after the death of the testator or intestate, or for such further period as the Minister may permit—or he must transfer the holding.

On failure to qualify or transfer the holding shall be liable to forfeiture.

No transfer or conveyance or assignment in contravention of this clause shall be valid for any purchase whatsoever.

The provisions of this clause are extended to conditional purchases or homestead selections after the grant therefor has issued.

Transfer of settlement lease within ten years' may involve re-appraisal of rental.

Transfer only to a qualified person, and with Minister's consent.

Transferee must reside two years. Board may waive residence only in certain circumstances.

Transfer in cases of devolution under a will or on intestacy.

Provisions made applicable after issue of grant.

Subdivision of conditional purchases, homestead selections, or settlement leases.

Clauses 26 and 27

Provide that these holdings may be subdivided with the approval of the Minister.

The lines of subdivision are to be settled by the Minister.

Each part of a subdivided holding is to be held as a separate holding capable of transfer to a qualified person, but the holder of any such part is not entitled to apply for an additional holding, and the transferee is debarred from making any addition to his holding unless he has previously obtained the Minister's consent in writing.

Disqualification to select additional land.

Removal of timber.

Clause 28

Provides that timber shall not be cut or removed for sale from a conditional purchase or homestead selection unless royalty is paid thereon, in accordance with section 115, Crown Lands Act, 1884.

Also, that the Minister may impose conditions as to preservation, &c., of timber.

Value of timber cut or removed without payment of royalty may be recovered, and holding is rendered liable to forfeiture.

Royalty to be paid.

Minister may impose conditions.

Recovery of amount.

Notification of areas set apart to revoke included reserves.

Clause 29

Provides that the setting apart of land for original or additional conditional purchase, conditional leases, homestead selection, settlement lease, or conditional purchase lease shall have the effect of revoking any reserves or parts of reserves or population areas within the boundaries of the lands so set apart, unless expressly excluded from the revocation by terms of the notification. Revocation takes effect on expiration of the day immediately preceding the day upon which the land is notified as available.

Volunteer land orders.

Clause 30

Orders to be satisfied within two years.

Provides that no person shall have a right to a free grant of any Crown land in virtue of a Volunteer land order unless an application for, or claim to such grant is lodged or made in the prescribed manner within two years after the commencement of this Act.

Board is given jurisdiction to deal with the applications.

Suspension of remission of condition of residence.

Clause 31

Residence may be remitted or suspended, or performed in town or village in certain circumstances.

Provides that if the person entitled to any holding under the Crown Lands Acts is prevented through illness of himself or family or other adverse circumstance from fulfilling the condition of residence attached thereto, and desires the suspension or remission of such condition, the Board may on application and on sufficient reason being shown, remit or suspend the condition for such periods and on such conditions as it may determine. The Board may also in such cases, or for the purpose of enabling a selector to have his children educated, permit the residence condition to be performed by residence in a town or village within a reasonable distance of the holding.

Annual payments on conditional purchases.

Clause 32

Appraisement to relate back to date of lodgment of application therefor.

Provides that in respect of conditional purchases the capital value of which has been appraised under Crown Lands Act, 1899, or the Appraisement Act of 1892, any annual payments falling due between the date of lodgment of the application for appraisement, and the date of determination of such value by the Board or Land Appeal Court, shall be deemed to have been and to be payable at the rate of five per centum of the value of the land as so determined.

Additional settlement leases.

Clause 33

Term of additional settlement lease to expire on expiration of term of original settlement lease.

Provides that the term of an additional settlement lease shall cease upon the termination of the original settlement lease in virtue of which it is held.

Also, that on any appraisement of the rental of the original settlement lease, the rental of any additional settlement lease held in virtue thereof shall also be appraised.

Appraisement of rental of original to involve appraisement of rental of additional.

Addition of areas to holding, or lease or license.

Clause 34

Addition of remnant areas to holdings

Provides for the addition of small areas within the external boundaries of any measured portion, held under conditional purchase or homestead selection, being added thereto and included in the grant, with the consent of the holder and the approval of the Minister, on payment therefor at the same rate paid for the conditional purchase or homestead selection. Also validates any such additions made prior to the commencement of the Act.

Clause 35

Addition of areas to leases or licenses.

Provides that vacant Crown lands adjoining, adjacent to, or within the external boundaries of any lease or license may, with the consent of the lessee or licensee, on the recommendation of the Board and with the approval of the Minister, be included in the lease or license, notwithstanding that the maximum area allowed for such lease may thereby be exceeded. Rent to be appraised and conditions recommended by Board.

Exchange of holdings.

Clause 36

Selectors may exchange holdings wholly or in part.

Provides (in lieu of subsections two and three of section eleven, Crown Lands Act, 1903), that holders of original or additional conditional purchases, conditional leases, conditional purchase leases, settlement leases, homestead selections as granted, may, on recommendation of the Board and the approval

of the Minister, by transfer, exchange their holdings or portions thereof. The holdings are to be of identical tenure, and any portions exchanged are to be within reasonable working distance of the holdings to which they are to be attached.

Deposits on conditional purchases

Clause 37

Provides that the deposits to be lodged with applications for conditional purchases (other than non-residential conditional purchases) shall be at the rate of 5 per centum (instead of 10 per centum) of the price of the land applied for.

Reduction of deposits from 10 per cent. to 5 per cent.

Also that payment of survey fees in respect of conditional purchases, conditional leases, homestead selections, or settlement leases may (if the applicant so desires) be made in five equal yearly instalments with interest at 4 per centum per annum on the amount unpaid. The first of such instalments to be made with the application.

Time for payment of survey fees is extended.

Tenant right in improvements

Clause 28

Declares valid any condition contained in any improvement lease executed before or after the commencement of this Act, affecting the lessee's tenant-right in improvements.

Conditions of lease limiting or barring tenant-right declared to be valid.

Crown improvements.

Clause 39

Confers jurisdiction on land boards to appraise the value of improvements on lands surrendered in exchange, and added to adjoining holdings.

Board to have jurisdiction to appraise value.

Appraisement of rent of conditional leases.

Clause 40.

Section 35 of Crown Lands Act of 1895, provides that the rental of any conditional lease for the period following the first fifteen years of the lease may be determined by the Board on application by the holder or reference by the Minister. A number of references have been made later than twelve months after the expiration of the first fifteen years' period, and the clause provides that such references shall not be invalid merely because they were not made within the twelve months.

References by Minister to have rentals appraised by board validated.

The clause also provides that after the Act references shall be made within twelve months. Also that in any case before or after the Act the rental determined will commence only from date of determination.

Fencing.

Clause 41

Provides that the provisions of section 141 of the Crown Lands Act, 1884, as to claims for contribution towards cost of fencing shall apply to all leases other than annual leases.

All lessees (other than annual lessees) may make claims for contribution towards cost of fencing.

Amendments of Acts

Clause 35

Effects desirable amendments (specified in the Schedule to the Bill), in certain sections of the Principal Acts, some of which are important in principle, but the majority of them are to facilitate administration, expedite business, supply omissions, and to remove doubts and difficulties that have arisen.

The chief amendments involving change of principle are—

Appeals to Land Appeal Court in respect of Board's decision on application for additional holdings in classified areas are barred.

Joint holders of conditional purchases enabled to obtain reduction of interest provided for in section 14, Crown Lands Act, 1903.

Minister enabled to set apart conditional purchase lease land, homestead selection lands in such areas as he may deem advisable. Living area standard repealed.

Leased lands to be available for timber-getters and miners to camp and graze horses and other animals necessary in their business.

Conditional purchase and conditional lease lands forfeited are to be deemed reserved from selection until otherwise notified in the Gazette.

Board, in estimating a home maintenance area, which may be appraised under the Appraisement Act, 1902, has to take into consideration any area which has been appraised by the husband or wife of the applicant for appraisement.

Lands may be set apart with a reservation of any depth below the surface, or of any timber, scrub, or undergrowth.

In an area set apart for additional holdings, an applicant is enabled to make a conditional purchase and a conditional lease of the same series in the same day.

Conditional purchase lease applicant's disqualification in consequence of area held by him. The area sufficient to disqualify is fixed at forty acres.

Restriction of acquisition by transfer of homestead selections in suburban areas or adjacent towns which have not been set apart as home maintenance areas, but to enable workmen by carrying on their ordinary pursuits other than farming to obtain and maintain a home.

SCHEDULE.

The sections of the Crown Lands Acts to be amended, with the amendments indicated thereon, together with notes in explanation, are attached.

Crown Lands (Amendment) Bill.

AMENDMENTS IN SCHEDULE.

Section 11, Crown Lands Act of 1884.

Local land boards.

11. There shall be a local land board for every land district, or for several land districts, and the members of such Board shall not exceed three in number, and shall be appointed by the Governor. One of such members shall be the chairman, who shall be appointed in like manner, and shall be paid such salary as Parliament may sanction: **Provided that any chairman so appointed may, by the Minister be directed to act as chairman of any local land board for any land district or for several land districts, and the board so constituted shall have as full power and jurisdiction to deal with any matter as if the chairman appointed for the said land district by the Governor were presiding.** Every other member of the Board shall be paid such fee for each sitting as may be prescribed. Any member of a local land board who shall sit or act in any way as a member of such board in any case in which he is or has been directly or indirectly interested shall be liable to a penalty not exceeding five hundred pounds.

NOTE.—To facilitate administration and expedite business.

Section 17, Crown Lands Act of 1884.

17. Either party to any proceeding, dispute, or claim before a local land board and any caveator as hereinafter provided, may appeal from the adjudication or decision of such board to the Land Appeal Court at any time within twenty-eight days after the same has been given by giving written notice of such appeal to the ~~chairman of the Board~~ district surveyor and to the other party to the proceeding (if any), and depositing with such ~~chairman~~ district surveyor the sum of ten (*five*) pounds as security for the costs of the appeal. And every such notice shall state the grounds of appeal.

NOTE.—To facilitate administration and expedite business.

Section 25, Crown Lands Act of 1884.

25. When the land to be applied for as a conditional purchase is unmeasured land, the intending applicant shall, before lodging his application, mark some corner of such land in the prescribed manner, and shall in his application describe such land in such manner as to permit of its identification by the description: **Provided that the failure to mark a corner of the land applied for shall not render an application invalid if in the opinion of the board it contains a description of such land which is otherwise sufficiently definite to admit of its being readily identified with certainty.** And if the land applied for has not a frontage, it must be situated at a reasonable distance from a frontage. When such land is measured land the applicant shall so describe it. And whenever the land so applied for contains improvements the applicant shall state that fact in his application, and shall describe the nature and position of such improvements.

NOTES.

This proposal is to provide that the absence of marking shall not invalidate an application if the description is clear.

Marking not so material now as in past years. A definite description is the main thing.

Section 35, Crown Lands Act of 1884.

35. Every conditional purchaser at the end of the third year after the date of confirmation of his application, or within three months thereafter, shall pay to the land agent an instalment on his purchase at the rate of one shilling per acre, and thereafter shall pay in like manner a like instalment annually during a period until the balance of ~~seventeen~~ **eighteen** shillings per acre, together with interest at the rate of four per centum per annum thereon shall have been paid. After the last payment of such instalments and interest the conditions of payment required by this Act shall be deemed to have been duly fulfilled. Provided, however, that it shall be lawful for the conditional purchaser to pay off the whole or any portion of such instalments at any time after the expiration of five years from the date of confirmation, as aforesaid, if the certificate mentioned in the next following section shall have been granted to him. Provided always that any holder of a conditional purchase made before the commencement of this Act may, by writing addressed to the land agent, apply to convert his holding, so far as regards the balance unpaid of his purchase money into a holding under the conditions of payment prescribed by this section.

NOTE.—This is a consequential amendment upon the deposit being reduced from 10 per cent. to 5 per cent. The balance, less deposit and first instalment, will be 18s. instead of 17s., as at present.

Section 36, Crown Lands Act of 1884.

Certificate of Board of fulfilment of certain conditions by conditional purchaser.

36. If at the expiration of the prescribed term of residence the local land board shall be satisfied, after due inquiry, that all conditions applicable to a conditional purchase, except that of payment of the balance of instalments, have been duly complied with, such board shall issue a certificate to that effect. And a like certificate may be granted by such board upon application of the holder of any additional conditional purchase, when such board shall be satisfied, after like inquiry, that all conditions applicable thereto, except that of payment of balance of instalments have been duly complied with, such certificate shall be transferable, subject to the prescribed conditions, and shall be prima facie evidence of the title of the holder thereof to the land therein described, subject to the fulfilment of the prescribed conditions of payment. ~~No such certificate shall be issued by the Board before the expiration of thirty days from the date of publication in the Gazette of notice of its intention to issue the same, within which period any person may lodge in the prescribed form and manner a caveat against such issue and every such caveat shall be disposed of by the Board before issuing such certificate in manner hereinbefore provided for dealing with caveats.~~ Provided that the board may after the prescribed notice in the Gazette, and in the prescribed manner, issue to the person entitled thereto a fresh certificate, upon satisfactory proof being adduced that the original certificate issued has been lost or destroyed.

NOTE.—To simplify and shorten procedure in respect of issue of certificates of conformity relating to conditional purchases.

Section 81, Crown Lands Act, 1884.

Occupation Licenses.

Occupation licenses.

81. Subject to the provisions hereinafter contained, the ~~Governor~~ **Minister** may issue Occupation Licenses. And such licenses shall entitle the licensee to occupy for grazing purposes a resumed area or vacant lands or any portion thereof—

- (1) The runholder shall be entitled to an occupation license of the resumed area, if he shall have applied for such license at the time of making his application for a Pastoral Lease, and shall have deposited with the Colonial Treasurer a sum equal to two pounds per section of six hundred and forty acres of the estimated area, on account of the first year's license fee, and upon approval by the Minister he shall pay the difference between the sum paid into the Treasury and the license fee appraised as hereinafter provided, and during the currency of such license shall pay such annual license fee per section as aforesaid, as shall be determined by the Minister after appraisal by the local land board. Provided that the Minister may at any time direct a fresh appraisal to be made and may require the licensee to pay his annual license fee on the basis of such fresh appraisal, after the expiration of any current year during the continuance of the license.

- (ii) Licenses shall be in force from the first day of January to the thirty-first day of December in each year, and the rates of license fees shall be published in the Gazette and if within sixty days thereafter, such fees be not paid into the Treasury by the licensee, the Minister may refuse to renew such license.
- (iii) The right to occupation licenses for any portions of resumed areas or vacant lands which have not been applied for by the runholder, or which have been forfeited or surrendered, may be disposed of by auction or tender in the prescribed manner, **and on such conditions as the Minister may think fit.**
- (iv) Upon the granting of any lease, or the sale of any land under occupation license, the licensee's right of occupation to the extent of such portion shall thereupon cease, but he shall be entitled to a refund of so much of the license fee, paid in advance, and to reduction in future rent as shall be proportionate to the area so withdrawn, and from the date of withdrawal, and shall be entitled to be paid such compensation for improvements on any portion so withdrawn, as the Minister may determine, after appraisement by the local land board.

NOTE.—It is desirable in the public interest that the Minister shall have power to impose conditions.

Section 85, Crown Lands Act, 1884.

Annual Leases for Pastoral purposes.

85. The ~~Governor~~ **Minister** may lease Crown lands, whether reserved from sale or otherwise, by auction or tender, in areas not exceeding one thousand nine hundred and twenty acres, whenever such lands are not by this Act specially exempted from being so leased, or are not under pastoral, homestead, or conditional lease. Such leases shall be subject to the provisions following **such conditions as the Minister may think fit, and to the provisions following** :—

Annual lease
for Pastoral
purposes.

- (i) Every such lease shall be for the then current year, and shall expire on the thirty-first day of December.
- (ii) The minimum upset annual rental shall not be less than two pounds for every six hundred and forty acres or lesser area. The amount bid at auction shall be the annual rental of the lease, and shall be paid at the time of sale, but should the sale be effected between the first day of July and the thirty-first day of December, only half the year's rent will be required to be paid at the time of sale.
- (iii) Such leases may be renewed subject to the payment of the rent as aforesaid. The Minister may at any time upon giving three months' notice prior to the expiration of any year for which rent has been paid in advance, increase such rent by any sum not exceeding twenty-five per cent.
- (iv) The rent of all renewed leases shall be paid on or before the thirtieth day of September in each year, for the ensuing year, and in the prescribed manner and time to the Colonial Treasurer or land agent. And if such rent be not paid, the lease will be liable to forfeiture and sale at auction or by tender.
- (v) Any lease bid for, but the price of which shall not be forthwith paid, may be again offered for sale at auction.
- (vi) A lease of any land which may have been offered for sale at auction and not bid for may be obtained on application to the land agent of the district and payment of the upset price, or may be again submitted to auction, unless the land shall have been previously otherwise dealt with.
- (vii) Crown lands may be put up to lease at auction at the lands office of the district or let by tender either on application or otherwise, but no such sale of leases or letting by tender shall take place without one month's notice thereof having been given in the Gazette.
- (viii) A lease under this section shall not exempt the land leased from sale or special or conditional lease.
- (ix) Annual auction leases held under the Acts hereby repealed and situated within the eastern or central division may be converted in the manner prescribed into leases under and subject to the provisions of this section, but if the rent already paid for such auction lease is above the minimum prescribed by sub-section (ii) hereof it shall not be reduced.

Conversion
auction lease
into annual
lease.

NOTE.—Facilitates administration and gives Minister power (which he should have) to impose conditions.

Section 89, Crown Lands Act, 1884.

Leases for
wharfs, jetties,
&c.

89. Land situated under the sea or under the waters of any harbour, bay, lake, river, creek, estuary, or navigable stream shall be deemed to be Crown lands for the purposes of this section, and may be leased by the ~~Governor~~ **Minister** on such conditions and for such term, not exceeding fifteen years, as he may think fit for the erection of wharfs, jetties, piers, or floating docks. No such lease shall be made of such Crown land fronting any land held in fee-simple, except to or with the consent of the proprietor thereof, and no such lease shall be made for the erection of any wharf, jetty, pier, or floating dock which would interfere with navigation, or with the rights of adjoining proprietors, and the intention to make a lease of such land shall be notified in the Gazette for four consecutive weeks, and not less than four times in some local newspaper, if any, before the lease is issued.

NOTE.—To facilitate administration and save delay.

Section 90, Crown Lands Act of 1884.

90. The ~~Governor~~ **Minister** may lease by auction or otherwise for a term not exceeding fifteen years and in areas not exceeding in any case three hundred and twenty acres Crown lands for any of the purposes hereinafter specified, that is to say for dams—tanks—irrigation works—wharfs—bridges—punt-houses—ferries—bathing-places—landing-places—sawmills—brick-kilns—lime-kilns,—slaughter-houses—tanneries—wool-washing establishments—quarries—fisheries—building or repairing ships or boats—tramway purposes—obtaining guano—shells—limestone—loam—brickearth—gravel—or ballast—or for an inn—store—smithy—bakery—or mail station in sparsely populated districts—or for any purpose declared by the Governor by proclamation in the Gazette to be a purpose within this section, and may determine the upset rent thereof if let at auction, or the annual rent if let otherwise, not being in either case less than ten pounds per annum, and may annex to any such lease such conditions, reservations, and provisions as he may deem fit. **Any such conditions, reservations, or provisions may on application by the lessee in the prescribed manner and on the recommendation of the board, be varied, modified, or revoked by the Minister.** Provided that leases may be granted at a less rental to contractors of public works for purposes connected with the construction of such works during the term of contract. If it should appear to the satisfaction of the Governor that the land comprised in any such lease is not used and occupied bona fide for the purpose for which the same has been made, or that default has been made in any condition, he may declare such lease forfeited, together with any improvements erected on the land and any rent paid in respect thereof.

NOTE.—It is sometimes desirable to modify the conditions of Special Leases in the public interest as well as that of the lessee. This will enable modification or revocation of conditions upon the recommendation of the local Land Board and at the lessee's request.

Section 95, Crown Lands Act of 1884.

95. Every information for an offence under any of the two preceding sections shall be laid at any time before the expiration of twelve months from date of such offence, by some officer of police or person specially authorized by the Minister. And if at the hearing of such information any question shall arise whether any person holds a valid permission to ringbark, the burden of proof thereof shall be on the person who claims to hold such permission.

NOTE.—Unauthorised ringbarking. This amendment will make it imperative that information must be laid within twelve months of any offence. At the present time (six months) is too short.

Section 98, Crown Lands Act of 1884.

98. The following provision shall govern all leases and licenses granted under this Act, and the holders of such leases or licenses, namely :—

- (1) No lease or license other than special leases shall confer any right to remove material from the leased land or to sublet such land for other than grazing purposes, or to prevent the entry and removal of material by authorized persons.

- (II) Lessees and licensees may take from land under lease or license to them not comprised within a timber or forest reserve such timber and other material for building and other purposes upon the land under lease or license, as may be required by them as tenants or licensees respectively.
- (III) No lessee or licensee shall prevent other persons duly authorised in that behalf either from cutting or removing timber, or material for building or other purposes, or from searching for any mineral within the land under lease or license, or from camping or grazing (free of charge) such horses or other animals as may be necessary for the bona fide pursuit of their calling, and while legitimately employed as aforesaid upon such land. Provided that nothing in this sub-section shall apply to a conditional lease as regards the taking or removal of timber or other material for building purposes.

NOTE.—This amendment will enable timber getters and miners to camp and graze whatever horses or other animals are necessary in their business.

A very necessary corollary to the right of entry provided for them.

Section 101, Crown Lands Act, 1884.

101. The ~~Governor~~ Minister may by notice in the Gazette declare what portions of Crown Lands shall be reserved and set apart as sites for cities, towns, or villages, and may define the limits of the suburban lands to be attached thereto, and to any existing city, town, or village, and may in like manner declare what portions of Crown lands shall be temporarily reserved from sale pending survey or determination by him of the portion to be set apart for any public purpose, or for commonage, or for population areas, and all lands so declared shall be reserved accordingly until revoked or altered in like manner. Within one month after such declaration, should Parliament be then in session, and otherwise within one month after the commencement of the next ensuing session of Parliament there shall be laid before both Houses of Parliament, an abstract of all such reservations. And the ~~Governor~~ Minister may reserve from conditional sale any Crown lands within a gold-field under the meaning and operation of any Act in force for the regulation of mining on Crown lands, and the expression, public purpose, shall be taken to include any purpose for mining for or removal of minerals.

Temporary reserves from sale for sites of cities and other purposes.

NOTE.—To facilitate administration and expedite business.

Sections 107, 108, and 109, Crown Lands Act, 1884.

107. It shall be lawful for the ~~Governor~~ Minister to correct or alter the name, design, or plan of any city, town, or village, and the limits of any suburban lands attached thereto, or to wholly cancel any such design or plan, and whether such city, town, village, or lands were dedicated or set apart under this or any repealed Act or Orders in Council. And notice of the intention so to correct, alter, or cancel such design, plan, or limits shall be published in the Gazette and in the local newspapers, and no such correction, alteration, or cancellation shall be carried into effect until the expiration of three months from such notification. And every such correction or alteration or cancellation shall be notified in the Gazette and an abstract thereof laid before Parliament within thirty days after such notification, if Parliament be then in session, and if not then within thirty days after the commencement of the then next session.

Alteration of plan of town or village.

108. Crown Lands within any leasehold, now or hereafter temporarily reserved from sale under the provisions of any Act hereby repealed or this Act, shall not be deemed to have been or to be withdrawn thereby from such leasehold in respect of the ordinary use of such lands for the purposes of the lease or to be exempted from re-letting on the termination of the existing lease, and the ~~Governor~~ Minister may withdraw from lease or license any land required as sites for towns and villages or for any public purpose.

Reserves from sale not to take the land out of lease.

109. The ~~Governor~~ Minister may, by notification in the Gazette, define and set apart routes, not exceeding one mile in width, through any leasehold or any land held under occupation license for the passage of stock travelling pursuant to the provisions contained in the fifteenth section of the Act forty-first Victoria number nineteen or any Act amending the same, and may also define and set apart camping places for travelling stock not in any case exceeding one square mile. Such routes and camping places shall be determined in the first instance by the local land board, and the lessee or licensee of any lands within which such routes or camping places are situate shall not be entitled to impound any stock travelling as aforesaid or to maintain any action for trespass in respect thereof while such stock shall keep within the boundaries of the said routes or camping places. And a reduction of the rent or license fee, by reason of setting apart such routes or camping places may be made in the prescribed manner.

Travelling stock routes and camping places.

NOTE :—To facilitate administration and expedite business.

Section 112, Crown Lands Act, 1884.*State forests—timber reserves—licenses—permits.*State forests and
timber reserves.

112. It shall be lawful for the ~~Governor~~ **Minister**, by notification in the Gazette, to proclaim any areas of Crown Lands therein described to be State forests, and in like manner to reserve from sale any such areas as timber reserves for the purpose in each case of preserving, under regulations in that behalf to be made in that behalf by the ~~Governor~~ **Minister**, the growth and succession of timber trees and of preventing, as far as practicable, the destruction and exhaustion of such State forests.

NOTE:—To facilitate administration and save delay.

Section 136, Crown Lands Act, 1884.

136. Every forfeiture of land conditionally purchased, whether under this Act or any of the said repealed Acts, shall be deemed to operate as a forfeiture of all additional conditional purchases held in virtue of such first-mentioned lands, as well as of all conditional leases or rights attached to the lands so forfeited, and, whenever any land shall be forfeited under this Act, such land shall become Crown land reserved from homestead selection or settlement lease or conditional purchase or conditional lease until otherwise notified in the Gazette, and may be dealt with as such; but no forfeiture of any purchase or lease under this Act, or any Act hereby repealed, shall take effect until the expiration of thirty clear days after notification of such forfeiture in the Gazette.

NOTE.—This provides for the automatic reservation of forfeited conditional purchases and conditional leases, and so will protect the land until its disposal has been considered.

Section 4, Crown Lands Act of 1889.

4. In this Act, unless the context necessarily requires a different meaning, the expression :—
- “Board” or “Land Board” means the local land board of the district in question.
 - “Conditional purchase” excludes special purchase, or purchase by auction, or purchase by virtue of improvements.
 - “Governor” means the Governor, with the advice of the Executive Council.
 - “Land agent” means any person duly appointed to the office of Crown lands agent, assistant Crown land agent, or acting Crown land agent.
 - “Land Appeal Court” means the Land Appeal Court constituted in pursuance of this Act.
 - “Oath” means affirmation, promise, and declaration in every case where an affirmation, promise, or declaration is by law allowed instead of an oath.
 - “Prescribed” means prescribed by the Principal Act or this Act, or any Amending Act, or any regulation made thereunder respectively.
 - “Principal Act” means the “Crown Lands Act of 1884.”
 - “Repealed Act” means any Act repealed by the “Crown Lands Act of 1884.”
 - “Scrub” means any tree, undergrowth, plant, which the ~~Governor~~ **Minister** may, by notification in the Gazette, declare to be scrub within the meaning of this Act.
 - “Series” or “the same series,” when used in connection with conditional purchases, means an original conditional purchase (whether taken up before or after the commencement of this Act, under any repealed Act or the Principal Act, or this Act), and any additional conditional purchases, which may have been, or may be, made by virtue thereof.

NOTE.—To facilitate administration.

Section 13, Crown Lands Act of 1889.

13. Upon receipt from the land agent of any application for a conditional purchase or conditional lease, ~~the chairman of the land board may refer the same to the district surveyor, and if the land therein described is unmeasured, and appears to be available, and to be capable, as applied for, of being measured in a proper form, the district surveyor shall cause the same to be measured; but if the land is not, or is only partly, available, or if any other objection appears to exist, he may with applicant's written consent cause the land to be measured in a modified form.~~ Should the applicant decline to accept

the proposed modification the district surveyor shall so report; and the Board shall thereafter deal with the application, either by refusing it, or permitting its withdrawal, or directing the survey of such land as may be proposed to be allotted, and for this purpose may, subject to the provisions of the Principal Act and of this Act, allot land in a modified or different position from that applied for. Any allotted lands which are not described in the original application shall, so far as the withdrawal of the same and the right of impounding in respect thereof under the provisions of section twelve of this Act are concerned, be deemed to have been applied for on the date of the confirmation. When the land has been measured, if no sufficient objection exist, and the local land board be satisfied that the applicant has, bona fide, applied for the land for his own sole use and benefit, either wholly or subject to the provisions of section twenty of this Act, the Board shall, in open court, confirm such application as made or modified, subject to payment as prescribed of any necessary extra deposit. The chairman shall within the prescribed time thereafter issue a certificate of such confirmation. The Board, in open court, may for sufficient reason with or without a report from the district surveyor, and either before or after measurement of the land, disallow any application, wholly or in part. The provisions of this section shall, so far as procedure is concerned, apply to applications made before but not finally disposed of at the commencement of this Act.

NOTE.—This amendment will enable district surveyors to expedite measurement and subdivision of lands applied for as conditional purchases and conditional leases.

Section 14, Crown Lands Act of 1889.

14. No error, uncertainty, omission, or misdescription in any application for a conditional purchase or conditional lease, made after the commencement of this Act, or in any declaration prescribed by section twenty-six of the Principal Act, or section twenty of this Act, and made in connection with any such application, shall invalidate the application in any case where the local land board is satisfied that such error, omission, uncertainty, or misdescription was not wilful, and made with intent to deceive; and the Board shall have full power to authorise the correction of any error or omission in any application or declaration, so as to bring the same into conformity with the statutory requirements. **Where a declaration required by the Crown Lands Acts has not been lodged, the Board may permit such omission, if not wilful, to be supplied, and the required declaration to be furnished.** The provisions of this section shall extend to applications and declarations made before, but not finally disposed of at, the commencement of this Act.

Error or uncertainty in description or declaration not to vitiate application in certain cases.

NOTE.—The law as at present does not permit the omission to supply a declaration to be corrected. This amendment will supply the deficiency in cases where the omission is not wilful.

Section 18, Crown Lands Act of 1889.

18. Notwithstanding anything to the contrary in section twenty-four or forty-two of the Principal Act, it shall be lawful for the Governor, subject to the general provisions of section twenty-four as aforesaid, to proclaim by notice in the Gazette, and set apart, from time to time, special areas, which it shall be lawful to conditionally purchase in such areas as may be notified in the proclamation, not exceeding three hundred and twenty acres in the Eastern, or six hundred and forty acres in the Central or Western Division. **Areas shall be conditionally purchased as notified in such proclamation, and any such area may be more or less than forty acres.** It shall also be lawful for the Governor, by notification in the Government Gazette, to proclaim and set apart as special areas any lands within the suburban or population boundaries or population areas of any cities, towns, or villages, and such lands (without cancellation or revocation of such boundaries or areas) shall, notwithstanding anything to the contrary in the Principal Act, be open to conditional purchase on or after such dates, and in such areas, and subject to the payment of such prices, deposits, and instalments, and subject to the fulfilment of such conditions as to residence, improvements, fencing, or otherwise, as may be specified in the proclamation. Any conditions so set forth shall have the force of law, and any breach thereof shall render the conditional purchase liable to forfeiture in accordance with this Act or the Principal Act. The Governor may at any time revoke or modify any proclamation, before or after the commencement of this Act, of any special area, or of any conditions applicable thereto, and any such revocation or modification shall take effect on

Conditional purchases in special areas.

Special areas within suburban or population boundaries.

proclamation in the Gazette. Before any special areas are declared to be open for conditional purchase the same shall be surveyed, and shall, ~~subject to the provisions of section twenty-seven of this Act,~~ be taken in portions as measured.

NOTES.

Special areas.

Make it clear that more or less than forty acres may be selected, and make it imperative that portions as measured must be taken.

Section 25, Crown Lands Act of 1889.

Conversion of
conditional
leases into addi-
tional condi-
tional purchases.

25. The holder of any conditional lease ~~in respect of which no forfeiture shall have been incurred,~~ **not liable to forfeiture**, may at any time apply for the whole or part of the land comprised under such lease as an additional conditional purchase or purchases, subject to all the provisions of the Principal Act and this Act as to the making of applications, available land, area, deposits, measurement, and all other conditions applicable to ordinary additional conditional purchases other than the condition of residence (except that nothing in the Principal Act shall be held to render any such additional conditional purchase invalid by reason only that the land may be situated in the Western Division); provided that the land so purchased shall not, with any conditional purchases of the same series, exceed one thousand two hundred and eighty acres in the Eastern, or two thousand five hundred and sixty acres in the Central or Western Division: And in all such cases the remaining area of such conditional lease may be held at a proportionate part of the rental thereof, although such lease may, when taken with the land conditionally purchased, exceed one thousand two hundred and eighty acres in the Eastern, and two thousand five hundred and sixty acres in the Central or Western Division. A refund of the rental shall not be granted, until after confirmation of the application for the additional conditional purchase, but, when granted, shall be calculated from the date of such application. Notwithstanding anything to the contrary in the Principal Act, no condition of residence shall be held to have attached or to attach to any land conditionally leased under sections forty-eight, fifty-two, or fifty-four of that Act; and, subject to payment of rent and fulfilment of any prescribed conditions, all conditional leases, whether granted before or after the commencement of this Act, shall have a term of fifteen years from the respective dates of their commencement. **The aforesaid provisions shall apply to the holder of a conditional lease taken in virtue of an additional conditional purchase which is also held by him, notwithstanding the fact that he may not be the holder of the original conditional purchase of the series.**

NOTES.

Conditional leases.

The present law enacts that these cannot be converted into conditional purchases if forfeiture has been at any time incurred, unless such forfeiture has been waived by the Minister. The amendment will allow them to be converted provided they are not liable to forfeiture at time of application or conversion.

Further, under the present law before a conditional lease can be converted it may be held that the applicant must hold the basal conditional purchase of the series. The amendment will permit the holder of an additional conditional purchase to convert a conditional lease taken in virtue thereof, whether he holds the original conditional purchase of the series or not.

Section 26, Crown Lands Act of 1889.

26. Any applicant for a conditional purchase, or holder of land ~~conditionally purchased~~ **a conditional purchase made** since the commencement of the Principal Act (not being under section forty-seven thereof) may obtain a conditional lease, or additional conditional leases, to comprise an area not exceeding three times the area of such land, **conditional purchase** provided that the total area of land conditionally purchased and conditionally leased shall not exceed one thousand two hundred and eighty acres in the Eastern, and two thousand five hundred and sixty acres in the Central Division. In estimating the area which may be conditionally purchased and conditionally leased, all conditional purchases of the same

series, and all land held by conditional lease by virtue of such conditional purchases shall be included, and the land which may be leased shall adjoin the land so conditionally purchased or conditionally leased. With any application for a conditional lease after the commencement of this Act a deposit of twopence per acre of the area applied for shall be paid to the land agent. Applications for conditional leases or additional conditional leases under this Act shall be made in the prescribed manner, and shall be dealt with as if the same had been made under the forty-eighth section of the Principal Act, and any conditional lease granted in pursuance thereof shall be deemed to have been granted under the said section, and the provisions of that Act shall, unless otherwise provided in this Act, apply to conditional leases granted after the commencement of this Act. All conditional purchases of the same series, and all conditional leases granted in virtue thereof, shall, for all purposes of residence, fencing, or improvement, be deemed to be one holding.

NOTE.—The amendment here will render the meaning of the section clearer. As at present worded it is open to question whether anyone holding any small part of a conditional purchase is not entitled to a conditional lease. The intention is to give the conditional lease in respect of a complete conditional purchase only.

Section 27, Crown Lands Act of 1889.

27. Measured Crown land, upon being applied for as a conditional purchase or conditional lease, shall be taken in portions as measured, and if the area applied for or any part thereof is part of a measured portion, such portion may at the discretion of the district surveyor or on approval by the local land be subdivided, and the applicant shall pay the cost of survey for such subdivision, provided that in either case the limitations and provisions as to form of measurement of unmeasured land hereinafter contained shall, as far as practicable, be held to apply to applications for measured land. For the purposes of this section land measured originally for conditional lease under the fifty-second section of the Principal Act may be held by the local land board to be measured or unmeasured :—

- (i) No land shall be considered to be measured until the plan of the measurement shall have been approved by the district surveyor, or an officer duly authorised by the Minister in that behalf, of which approval the signature of the district surveyor, or such duly authorised officer on such plan shall be prima facie evidence: Provided that, where lands have been measured in pursuance of the provisions of the Principal Act, or any Act repealed thereby, and the plan of such measurement has been approved or accepted by the then Surveyor-General, or some other officer, such lands shall for the purpose of the Principal Act or this Act or any repealed Act, be considered measured lands.
- (ii) Any land applied for as an original conditional purchase if unmeasured and having no frontage shall be measured in the form of a rectangle, the length of which shall not exceed twice the width; and if having frontage shall be measured with a breadth of frontage not exceeding one-half of the depth, and all such measurements shall have the boundaries, other than the frontage, directed to the cardinal points. And any additional conditional purchase or conditional lease shall not, together or in combination with any original or previous additional conditional purchase or lease, have a greater breadth of frontage or length than as hereinbefore provided for an original conditional purchase of an area equal to the aggregate area of such original and additional conditional purchases or conditional leases; but whenever it shall appear necessary or desirable, the local land board may alter or modify the boundaries of any land applied for, or direct a measurement of the land as applied for, notwithstanding that such measurement may exceed the limitations or provisions of this section.
- (iii) The intervention of any road, not being a frontage or intended frontage road, between an original conditional purchase and any additional conditional purchase or conditional lease shall not be an objection to the measurement of the land applied for, and in every such case the additional purchase or purchases or conditional lease shall be measured as herein provided. But no additional conditional purchase or conditional lease shall be allowed of land not on the same side of any frontage road or water-course or other prescribed frontage as the purchase or purchases, by virtue of which such additional conditional purchase or conditional lease is applied for, unless all the available land on that side has been exhausted. In the latter case such additional conditional purchase or purchases or conditional lease may be measured on the opposite side of such frontage as hereinbefore provided.

NOTE :—Enables the district surveyor, at his discretion, to cause subdivisions of a measured portion without reference to board facilities administration.

Section 33, Crown Lands Act of 1889.

33. After the expiration of any pastoral lease in the Eastern Division, granted under the Principal Act, the lands theretofore subject to any such lease shall become and be dealt with as a resumed area; and the Governor may, in pursuance of the eighty-first section of that Act, issue licenses to occupy the same, subject to all the conditions in the said Act and this Act contained relating thereto, provided that any appraisement of the license fee shall be made in accordance with this Act. The holder of any such expiring lease may, not less than six months before its expiration, apply for a license to occupy the Crown lands theretofore held by him under such lease; and after expiration of the lease as aforesaid the same shall be granted to him, and shall commence from the date of such expiration; provided that at the time of making the application all arrears of the rent of such pastoral lease shall have been paid up, and within three months thereafter there shall be lodged with the Colonial Treasurer, as provisional license fee, a sum calculated at the same rate per section of six hundred and forty acres of the estimated area as may be payable for the area originally resumed, if the applicant shall occupy the same, but if not, then at the rate of two pounds per section, and the said provisional license fee shall continue to be payable until an appraisement shall have been made and the license fee fixed thereunder duly notified; after an appraisement of the license fee shall have been made the difference between the provisional license fee and the fee so appraised shall be paid to or by the licensee in the prescribed manner, subject, in default of his paying any deficiency, to a forfeiture of the license. If application and payment of the provisional license fee shall not have been made as aforesaid, the right to occupy the said lands may be disposed of by auction or tender, or the lands may be otherwise dealt with under the provisions of the Principal Act and this Act. Crown lands not held under lease or license, and not reserved from lease or license, shall be open to annual lease in the prescribed manner, ~~and the first applicant shall have a right to an annual lease of the land applied for (subject to modification by the Board)~~ **subject to the Minister's approval and any modification by the Board** on payment of such rent as the Land Board shall determine as provided by this Act. Any such annual lease shall commence from the date of allotment or approval by the Board **gazettal thereof** and shall be subject to the provisions of section eighty-five of the Principal Act: provided that no such application made after any of the land applied for shall have been notified in the Gazette for lease by auction or tender shall prevent the land from being let as so notified. Stat

NOTE.—Necessary, as all annual leases must be approved by the Minister.

Section 35, Crown Lands Act of 1889.

Scrub leases.

35. The Minister may, upon the recommendation of the local land board, by notification in the Gazette, declare any Crown lands wholly or partly covered by scrub or noxious undergrowth to be scrub-lands; and may, on the recommendation of the local land board, and notwithstanding anything in the "Prickly Pear Act" contained, grant leases of such lands on application, or sell the same by auction or tender at such times and places and under such conditions, and for such terms not exceeding twenty-one years, as he may deem desirable. Lands so declared to be scrub-lands shall not, until leased in accordance with this section, be withdrawn from any lease or license under which they may at the time be held; and no scrub-lease of lands within the outside boundaries of land held under pastoral lease or homestead lease, shall be granted to any person but the holder of such pastoral or homestead lease, in which case such scrub-lease shall not be for a longer term than the unexpired term of such pastoral or homestead lease, and the term of a scrub-lease may be divided into such periods as the Minister shall fix, and the rent for the second or any succeeding period, shall be determined in accordance with section six of this Act. And the Minister, notwithstanding anything in this Act, or in the Principal Act contained, may, on the recommendation of the local land board, either before or after granting any such scrub-lease, cause the rental of the remainder of the land held under pastoral or homestead lease, to be reappraised and redetermined. Provided that no pastoral or homestead lessee shall hold, or cause to be held on his behalf or in his interest, any scrub-lease, except within the land held under lease by himself. The applicant for any scrub-lease shall pay the cost of survey thereof, or, in the event of his withdrawing his application, all costs of survey, reports, or inquiry incurred in dealing therewith. And all such leases of scrub-lands and any scrub-leases granted after the commencement of this Act, in pursuance of applications made under the Principal Act, shall be subject to the general provisions here following—

- (1) Every such lease shall, if granted in pursuance of an application or by tender, commence from the date of the notification in the Gazette, of the Minister's approval of the application or acceptance of the tender, and, if sold at auction, shall commence from the date of sale. And the land held

thereunder shall (subject to the provision for withdrawal contained in section seventy-eight, subsection (vii) of the Principal Act, which shall be held to apply to scrub-leases) during the whole currency thereof, be unavailable for purchase or lease.

- (ii) Rent for the first year of the lease shall together with the cost of survey, be paid within ~~one month from the date of the notice in the Gazette~~ **three months from the date of a demand, made as prescribed for such rent**, specifying the amount thereof; and the rent shall for succeeding years be paid annually in advance on or before the last day of the current year of the lease.
- (iii) Every holder of a scrub-lease shall, as conditions of his lease, be required to take all such steps as the local land board shall from time to time, subject to appeal, direct, for the purpose of destroying such scrub as may be specified in his lease or promise of lease, in and upon the land under scrub-lease, or in and upon any land within the boundaries of the lease, or in and upon any reserves or roads within such boundaries; and when so destroyed to keep such land free from the same; and shall commence to destroy the same within three months after the commencement of the lease. And if rent thereon shall not be paid within the time allowed, or if in the opinion of the Minister, after report by the local land board, subject to appeal, the holder shall have failed to comply with any condition of his lease, the Minister may, by notification in the *Gazette*, declare such lease to be forfeited; and all improvements on such lands shall be the property of the Crown.
- (iv) Any land held under scrub-lease shall, on the forfeiture or surrender thereof, be added to the lands held under lease or license within the boundaries of which it may be situated, and rent therefor shall be payable at such rate per acre as may be determined by the local land board, and shall form part of the rent payable for such lease or license, which shall be liable to forfeiture if the rent for the added lands be not paid as prescribed.
- (v) If a pastoral lease or homestead lease be held in conjunction with a scrub lease, neither of such leases shall be transferred separately.

NOTES.

It is desired to avoid the necessity for Gazette Notices in some cases where survey fees, &c., are required to be paid.

The period of one month is rather brief.

Section 37, Crown Lands Act of 1889.

Inferior Land Leases.

37. The Minister may, after report by the local land board, lease by auction or tender for a period not exceeding twenty years such vacant lands in the Eastern, Western, or Central Division as, in consequence of their inferior character, or isolated positions, may not have been held under any tenure, or having been held have been abandoned **for lands of inferior character, or in isolated positions that are held under annual lease**, subject to the following provisions:—

- (i) Such leases shall be subject to such conditions as may be specified in the Gazette notice offering the land on lease.
- (ii) No such lease shall be sold by auction, nor shall any tender be accepted, until after the expiration of thirty days from the date of such notice, but when sold or granted shall commence from the date of sale or notification of acceptance of tender as the case may be.
- (iii) The upset rental shall be determined by the Minister after report by the local land board.
- (iv) The amount bid at auction, or offered by an accepted tender, shall be the annual rental of the lease; and shall be paid, if the lease be sold at auction at the time of such sale, but if upon tender, within sixty days after the notification in the Gazette requiring payment thereof. If the rent be not paid within the time allowed, the lease and any amounts paid may be forfeited by notice in the Gazette. And any lease sold at auction, the price bid for which shall not forthwith be paid, may there and then be reoffered for sale.
- (v) Tenders shall be made in the form prescribed; and shall describe the land applied for in terms of the notice calling for tenders; and shall be accompanied by a receipt showing that a sum of two pounds has been paid to the land agent or Treasury as a deposit thereon. Such deposit paid by a person, whose tender may be accepted, shall be credited on account of the first year's rent, and the rent for the ensuing year shall in all cases be paid on or before a date corresponding to the date of commencement of the lease.

- (vi) A lease of any such land which may have been offered at auction and not bid for may be obtained on application to the land agent, and upon payment of the required upset rent in accordance with subsection (iii) of this section ; or the lease may be again submitted to auction unless the land shall have been previously otherwise dealt with.
- (vii) Upon application being made by any person for the submission of land to lease under this section, the Minister may demand such amounts as may seem necessary to cover the expenses of report in connection therewith.
- (viii) If the Minister shall be satisfied, after inspection by an authorized officer and report by the local land board, that the holder of any such lease has failed or is failing to fulfil any condition of his lease, such lease, together with any amounts paid, may by notification in the Gazette be forfeited.

NOTE.—To enable inferior land leases to be granted embracing inferior and isolated Annual Leases.

Section 39, Crown Lands Act of 1889.

39. The ~~Governor~~ Minister may, by notification in the Gazette, reserve any land therein described from being sold or let upon lease or license in such particular manner as may be specified in such notification ; and the land shall thereupon be temporarily reserved and exempt from sale or lease or license accordingly, and, unless expressly otherwise declared, shall not be reserved or exempt from sale or lease generally. Provided that the Minister may, by notification in the Gazette, revoke or modify any such reserve or any reserve from sale, lease, or license, or any withdrawal from lease or license, made before or after the commencement of this Act, and such revocation or modification shall, in respect of any reserve from sale, take effect in accordance with section one hundred and two of the Principal Act, and, in respect of any reserve or withdrawal from lease or license, at the date of the notification as aforesaid. No dedication or reservation made before or after the commencement of this Act shall be held to have been or to be invalid by reason of the land being already reserved at the date of such dedication or reservation, or by reason of the revocation of any other reservation including wholly or in part the same land.

NOTE.—Enables notification of withdrawal from lease or license to be revoked or modified. Enables all modifications and revocations to be effected whether made before or after commencement of Act.

Section 44, Crown Lands Act of 1889.

Improvements.

44. Any improvements made upon any lands the purchase or lease or license of which has become forfeited, surrendered, or has expired, before or after the commencement of this Act, or have been made under colour of any application which may have been or which may be forfeited, disallowed, or withdrawn, shall (except as provided in section forty-six of this Act) be the property of the Crown. But upon application being made within the time and in the manner prescribed, the Minister may permit the former lessee or licensee to remove all or any movable improvements effected by him or at his expense during the currency of his lease or license. No Crown lands shall be exempt from conditional or other purchase or from any lease or license by reason only that it contains improvements, but the purchaser or lessee shall pay for such improvements at their value : Provided that when any land containing improvements shall be let under annual lease or occupation license the lessee or licensee shall not be called upon to purchase such improvements, but may be charged rent or license fee for the use thereof, to be ascertained by auction or tender, or in manner herein provided for the determination of their value. Where the improvements belong to the Crown, their value shall be appraised by the land board, subject to appeal, and shall be paid for within such periods and in such amounts as such board or the Land Appeal Court shall determine ; but where the improvements do not belong to the Crown, their capital or annual value shall be paid by agreement between the parties, or failing such agreement (and on application by either party in the prescribed manner, accompanied by a deposit of ten pounds to cover the cost of dealing therewith) as appraised by the land board, and within such periods and in such amounts as the board shall determine, subject to appeal under this Act. Improvements within the meaning of this section may include fencing, but shall be such as in the opinion of the board are of a permanent, fixed, and

substantial character, and necessary for the profitable occupation of the land ; and before the determination of the value thereof, such of them as are of a removable nature may, with the permission of the board, be removed by the owner, who, upon permission being granted, shall have full power by himself or his agents to enter upon the land within such period as the board may allow, and to do all things necessary to effect their removal. The value of any improvements on land sold at auction shall be added to the upset price, and when not the property of the Crown shall be refunded to the owner. In cases where improvements may have been, or may be made through misapprehension as to the boundaries of land, or for any sufficiently reasonable cause, and the land containing them has been, or shall be purchased or held under lease or license by the owner of such improvements, **or any other person**, it shall be lawful for the Minister, after report by the land board, to remit the value to such owner. In any case in which the purchaser or lessee of land containing improvements has failed, or shall fail, to pay for them within the period allowed, his purchase or lease shall (together with all moneys paid in connection therewith) be liable to forfeiture by notice in the Gazette. Nothing in this Act shall be construed to vest in the Crown any improvements upon land held under a pastoral lease in the Eastern Division, which having expired by effluxion of time shall, under the provisions of section thirty-three of this Act, be converted into an occupation license if the said improvements shall not at the date of such expiration have been forfeited or forfeitable to or vested in the Crown. No lease or license which may be renewed or extended shall, whilst any renewal or extension continues, be deemed to have expired within the meaning of this section.

NOTES.

The provision that all improvements on forfeited, surrendered, and expired holdings become Crown property, sometimes inflicts hardship upon settlers, and to provide for such cases a discretionary power is, by the first amendment, proposed to be vested in the Minister to permit removal of movable improvements.

Amendment No. 2 is to permit of an owner, who has affected improvements under misapprehension, obtaining the value of same where the land is held under some purchase, lease, or license by another person.

Section 48, Crown Lands Act of 1889.

148. It shall be lawful for the ~~Governor~~, **Minister** on the recommendation of the warden of any goldfield, to grant leases for periods not exceeding fifteen years of areas not exceeding ten acres of Crown land within gold and mineral fields to any holder of a miner's right or mineral license for the purpose of bona fide residence, upon such terms and conditions as to rent, cost of survey, term of lease, erection of fences and buildings, and upon such other provisions for the protection of the public interest as may be prescribed.

NOTE.—This will facilitate administration in the granting of residential leases.

Section 13, Crown Lands Act of 1895.

HOMESTEAD SETTLEMENT PROVISIONS.

Subdivision for homestead selections.

13. The Governor may, subject to the provisions of and under the power conferred by section ten, set apart any tract of Crown lands for disposal by way of homestead selection ; and any tract of Crown lands so set apart shall be dealt with as follows :—

- (1) A subdivision shall be made thereof into blocks, no one of which shall be more than one thousand two hundred and eighty acres in area, ~~and the standard to be adopted in regulating the area of each such block shall be that the selector thereof may, by agriculture or by agriculture combined with any other ordinary pursuits, be enabled to establish and maintain his home thereon.~~
- (II) A valuation of the said blocks shall be made according to the capabilities and situation of the land, **the timber thereon and means of access thereto**, and in making such valuation due regard shall be paid to the tenure of the holding ~~and to the intention of these provisions that the selector may be enabled to establish and maintain his home thereon.~~
- (III) The value to an incoming tenant of any improvements on any such block may be appraised by the Minister after inquiry and report by the local land board in the prescribed manner, and such appraisal shall, as between the Crown or the owner of the improvements, as the case may be, and any person selecting the said block, be conclusive evidence of the value of the improvements at the date of the appraisal.

- (iv) A notification by the Minister shall be published in the Gazette, and in a local newspaper, giving particulars of the said blocks and of their respective areas and values and of appraised value of any improvements thereon, and specifying a date from and after which the said blocks shall be available for selection; the value and area specified in the said notification, in respect of any block, shall be taken to be the capital value and area thereof for all purposes of the rent hereinafter provided.
- (v) The Minister may also notify that special conditions as to drainage, irrigation, the clearing, cutting, preservation, or planting of timber, or such other matters as require to be regulated in the public interest, will be made conditions of a homestead selection of any such block, and will be inserted in the grant of any such block when issued. Any such notification under this or the preceding subsection may be corrected, amended, modified, or revoked by notice in the Gazette.
- (vi) The setting apart of any tract of Crown lands for disposal by way of homestead selection, and the notification required by this section may, whenever it shall be deemed expedient, be effectuated by one and the same notification in the Gazette, and in any such case any preliminary notification shall be deemed to have been unnecessary. Any subdivision, whether made before or after any notification under this section or section ten of this Act, may be taken to be a subdivision within the meaning of this section, and one or more measured portions may by notification under this section constitute a block.

NOTES.

As in the case of other tenures it has been considered expedient to cancel the provisions relating to living areas. As additional can now be applied for up to a living area, the question as to whether a selector has such an area can be decided then.

This proposal will bring homestead selections into harmony with other tenures in this respect.

Section 16, Crown Lands Act of 1895.

Inquiry by local land board.

Local land board
to be satisfied of
performance.

16. The local land board may at any time inquire as to the performance of any condition; and at the expiration of five years from the confirmation of the application the local land board shall hold an inquiry whether the applicant has, up to the date of the inquiry, duly performed all the conditions as aforesaid.

If, upon the final inquiry, the applicant satisfies the local land board that he has, up to the date of the inquiry, duly performed all the said conditions, it shall issue to him a certificate to that effect.

If at any time the local land board is not satisfied that the applicant is duly performing any condition, or if upon the final inquiry the board is not satisfied that he has duly performed all conditions as aforesaid, the ~~Governor~~ Minister may, by notification in the Gazette, forfeit the applicant's interest in the homestead selection, and thereupon the applicant's right to continue in occupation shall wholly cease and determine. The like notification may be made in any case where the applicant fails to duly pay the aforesaid rent or the balance (if any) of survey fee.

NOTE.—To facilitate administration and expedite business.

Section 17, Crown Lands Act of 1895.

Homestead grants.

17. The Governor shall issue a grant of the homestead selection (to be termed a homestead grant) to an applicant who has duly obtained a certificate from the local land board; and the Governor may, upon the expiration of five years from the date of the confirmation of the application, issue a grant to an applicant who has failed to obtain the said certificate in any case where the local land board reports that the applicant is nevertheless deserving of the grant: **Provided that where the applicant fails to obtain such certificate by reason only that certain moneys which have fallen due remain unpaid the board shall report that the applicant is deserving of the grant on payment of such moneys with interest thereon within such period as the Minister may allow: Provided**

also that in the case of an additional homestead selection and on application by the holder and on the certificate of the Board as to the payment of survey fee and value of improvements (if any) and fulfilment of any special conditions the grant therefor may issue at any time prior to the expiration of five years from the confirmation of the additional homestead selection where the grant for the original homestead selection has issued.

The grant of a homestead selection shall contain provisions for:—

- (a) The annual payment by the grantee, his heirs, and assigns for ever of a perpetual rent, the yearly amount of which shall be two and one-half per centum of the capital value of the homestead selection as fixed under this Act; and
- (b) The performance by the grantee, his heirs, and assigns for ever of an obligation to live upon the homestead selection, having his or their home and place of abode there; and
- (c) Forfeiture to the Crown of the lands granted in case the obligation to live thereon or to pay any sums due as rent be not duly performed.

The obligations to live on the lands granted and to pay rent shall be incidents in perpetuity of the tenure of the lands held under a homestead grant; and the provisions to be inserted in a homestead grant for the purpose of defining the said incidents of tenure, and securing the due performance thereof shall be in such form as may be prescribed.

The value of the homestead selection shall for the first period of ten years after the issuing of the grant thereof be the value, as notified in accordance with the provisions hereinbefore contained, and for every succeeding period of ten years shall be determined, irrespective of improvements, in accordance with the provisions of section six of the "Crown Lands Act of 1889."

The Governor may, from time to time, by regulations, define the minimum period of living on the land in each year which shall be taken to satisfy the aforesaid obligation, being not less than seven months in every year; and may in the like manner provide for the granting of exemptions from the performance of the aforesaid obligation or for the relaxation thereof in such cases of inability, difficulty, or hardship as are likely to arise, and may attach such conditions to the granting of an exemption or relaxation as may appear desirable to secure the proper use of the land and to carry out the policy of this Act, but no such exemption or relaxation shall be granted for more than one year, either retrospectively or in advance.

In any case where, in pursuance of the regulations for the time-being in force, an exemption or relaxation has been granted, and the conditions, if any, of such exemption or relaxation fulfilled, a forfeiture shall not be enforced for the non-performance of the obligation to live on the lands granted during the period of such exemption or relaxation.

The Governor shall not have power to discharge, release, or abrogate the obligation to live upon the lands held under any such grant or to pay the rent, and the acceptance of rent shall not of itself constitute a waiver of any forfeiture which may have accrued.

The grant of a homestead selection may contain provisions to secure the creation and maintenance of channels for drainage or irrigation purposes, and the preservation or planting of trees for timber and shade, and such reservations of rights, powers, minerals, and materials as may appear to the Governor necessary in the public interest.

Upon the forfeiture to the Crown of any lands held under a homestead grant, the Registrar-General shall make an entry of such forfeiture upon the folium of the register containing such grant, and the holder of the duplicate copy of such grant shall deliver up the same to the Registrar-General for the purpose of being cancelled.

No transfer of the lands described in a homestead grant shall be registered by the Registrar-General unless the Minister certifies, in the prescribed form, that all the obligations of the grant have been duly fulfilled up to the date of such certificate, and the registration of such transfer shall be evidence of the fulfilment of all the obligations under the grant up to the date of the aforesaid certificate.

NOTES.

Will facilitate administration, and be a convenience to selectors.

In cases where the grant for the original homestead selection has issued there are no good reasons for withholding for five years the grant for an additional homestead selection providing that all moneys are paid and all special conditions fulfilled.

This amendment is to enable the grant of the additional homestead selection to issue in the circumstances set out.

Section 25, Crown Lands Act of 1895.

Settlement leases.

25. The Governor may grant to an applicant whose application has been confirmed by the local land board, a settlement lease of the farm applied for; and upon the issuing of the lease, the applicant may take possession of the farm, and any occupation license or annual lease shall thereupon cease and determine in so far as it affects the said farm.

The term of the lease shall be twenty-eight years, and the lease shall be in the prescribed form, and shall contain provisions to secure:—

- (a) That the lessee shall pay an annual rent of one and one quarter per centum on the capital value of the farm as fixed under this Act:
- (b) That the lessee shall pay the value of the improvements as appraised, and interest on such value at the rate of four pounds per centum per annum, the payment being made in one ~~instalment~~ **amount**, or at his option in three equal yearly instalments at the dates and in the manner prescribed:
- (c) That the lessee shall reside on the farm and make it his bona fide residence during the whole term, or if the lease have been transferred by way of bona fide mortgage, then that the owner, subject to such mortgage, shall so reside:
- (d) That the lessee shall fence the farm within five years: **Provided that the board, on the application in the prescribed manner of the lessee, may grant him an exemption from fencing any part of the farm, but such exemption shall not prejudice any claim arising under section one hundred and forty-one of the Principal Act.**
- (e) That the lessee shall conform to any regulations made by the Minister relating to keeping the farm clear of rabbits and other noxious animals, and also to clearing the farm of scrub and noxious weeds.
- (f) That the lessees shall not assign or sublet without the Minister's consent. **The fact that any stock not owned by the lessee are depasturing on the farm (other than travelling stock depasturing on a part thereof which may be included within a travelling stock reserve) shall be prima facie evidence of a subletting of the farm irrespective of the date when such farm was applied for.**
- (g) That the Governor may forfeit the lease upon breach of any of the conditions, covenants, and provisions therein contained. The lease may also contain such additional provisions, conditions, and covenants as to the Governor may seem expedient in the public interest.

Upon the expiration of the full term of the lease the last holder thereof shall have tenant-right (as the same is hereinafter defined) in the improvements thereon.

NOTES.

The word *instalment* in this subsection is manifestly incorrect. The word *amount* is necessarily substituted.

The second alteration is to give the Boards statutory power to grant exemptions from fencing.

The third amendment is to make the depasturing of stock, other than the lessee's, prima facie evidence of subletting.

Section 27, Crown Lands Act, 1895.

Homestead grants out of leases.

Homestead grants out of certain leases.

27. The holder of any pastoral or homestead lease in the Western Division, or of any scrub lease not being within a pastoral or homestead lease, or of any lease of inferior lands, whether granted before or after the commencement of this Act, or of any improvement lease, whose dwelling-house may be erected on Crown lands, may, at any time during the last year of the term of the lease, apply for the portion of the leasehold which contains such dwelling-house not exceeding six hundred and forty acres in area, as a homestead selection, subject to the provisions hereunder contained:—

- (1) The area which may be so applied for shall, before the date of the application for the same, have been improved by the holder of the lease or his predecessors in title with permanent, fixed, and substantial improvements to the value of one pound per acre, and the improvements shall at the date of the application be on the land and be the property of the applicant.

- (ii) The application shall be made in the prescribed manner, and the applicant shall, before the grant is issued, pay the full cost of survey.
- (iii) The land shall be measured in the same form as if it were an original conditional purchase, and the measurement shall be completed before the application is confirmed, and the Local Land Board shall have the same powers of modification, allotting land, and otherwise, in respect of any such application as it has in the case of applications for conditional purchases.
- (iv) The Governor may thereafter grant to the applicant the land for which the application has been confirmed as a homestead selection, the value of which shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, and be subject to reappraisal as also hereinbefore provided.
- (v) Upon the issuing of the grant the land granted shall be withdrawn from the lease, but the lease shall otherwise continue in full force and effect.

The holder of a settlement lease may make the like application for a homestead selection out of the land leased, and the foregoing provisions (other than that requiring improvements to the value of one pound per acre) shall apply in any such case, except that the maximum area which may be applied for and granted shall be one thousand two hundred and eighty acres. **Provided that lands reserved from sale, conditionally or otherwise, shall not be available to be acquired under this section as a homestead selection.**

NOTE.—As many leases embrace reserved land the amendment is to make it clear that such land shall not be available for homestead selection by lessee.

Section 30, Crown Lands Act of 1895.

Residence on additional conditional purchases, &c.

30. The condition of residence defined in the last preceding section shall attach to every additional conditional purchase or conditional lease applied for after the commencement of this Act, and it shall be immaterial whether the original conditional purchase of the series was made before or after the commencement of this Act. The said condition shall not be taken to have been performed by the performance of the condition of residence which attached to the original conditional purchase, or any prior additional conditional purchase of the same series:—

Provided always that—

- (a) If the person fulfilling the condition of residence has **immediately** before the commencement of the term of such residence, continuously resided upon some purchase or lease of the same series, the term of residence shall be reduced by the period during which residence was previously carried on, ~~on, but not so as in any case to be reduced to less than five years~~ **of such continuous residence: Provided nevertheless that if an additional conditional purchase or conditional lease be transferred at any time prior to the expiration of ten years from the date of application therefor the transferee shall perform the condition of residence until such term of ten years expires; and**
- (b) Conditions of residence attaching to any number of purchases or leases of the same series may be performed concurrently; and
- (c) A person residing upon any purchase or lease of a series shall, for the purposes of any conditions of residence, be taken to be residing upon every purchase or lease of the series.

The performance of the aforesaid condition of residence in respect of an additional conditional purchase or a conditional lease shall be waived, so long as the person upon whom the performance of the said condition would for the time being devolve, is the person who applied for the original conditional purchase of the series and for the said additional conditional purchase or conditional lease. But this provision as to waiver shall not operate where the applicant for the additional conditional purchase or conditional lease—

- (a) has taken up a full area; or
- (b) is the owner of a full area; or
- (c) has owned a full area at any time previous to the date of application, and has divested himself of the ownership thereof by transfer, conveyance, assignment, or otherwise, or purported so to do in order to obtain the benefit of the foregoing provision.

In the construction of the foregoing provision a full area shall be taken to mean an aggregate area of conditional purchases and conditional leases, whether of the same or different series, amounting to two

thousand five hundred and sixty or more acres in the Central Division, or one thousand two hundred and eighty or more acres in the Eastern Division, or one thousand nine hundred and twenty or more acres if the said conditional purchases and conditional leases are some in one division and some in another division.

An additional conditional purchase if made out of a conditional lease applied for before the commencement of this Act shall not be within this section.

NOTE.—To harmonise with residence condition provided for other tenures by giving credit for all residence done immediately prior to application but to make transferee reside from time of transfer to end of ten years term.

Section 40, Crown Lands Act of 1895.

Limitation of Privilege of Selecting, &c.

The privilege of selecting, &c., when exhausted.

40. Homestead selections, conditional purchase leases, settlement leases, original homestead leases, and original conditional purchases (such homestead leases and conditional purchases being applied for after the commencement of this Act) form the class of holdings referred to in this and the next following sections.

No person who, after the commencement of this Act, applies for any holding of the aforesaid class, and obtains a title thereto in pursuance of such application, shall be qualified to apply for another holding of the aforesaid class whether of the same kind as, or of a different kind from, the holding first applied for, unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or to surrender the holding first applied for.

For the purposes of this section, title in pursuance of an application shall be taken to have been obtained—in the case of homestead selections, settlement leases, and original conditional purchases—when the application has been confirmed by the local land board, and in the case of homestead leases when the approval of the issue of the lease has been notified in the Gazette, and a valid notice of non-acceptance has not been duly given:

Any person who has applied, or who shall apply, for a settlement purchase under the Closer Settlement Act, 1904, or any Act amending the same, and who has obtained, or shall have obtained, a title thereto shall not be qualified to apply for any holding of any of the aforesaid classes unless he has previously obtained a certificate as prescribed that he was compelled by adverse circumstances to abandon or surrender the settlement purchase.

Provided always that if the holding first applied for were a settlement lease or an original homestead lease, the disqualification enacted by this section shall cease to operate upon the expiration of the term of the lease by effluxion of time, or if the lease have been forfeited, surrendered, or otherwise sooner determined, then upon the expiration of the period which the term of the lease would have to run, but for such forfeiture, surrender, or other sooner determination.

Provided, nevertheless, that notwithstanding the non-obtaining of such certificate in respect of a holding applied for before or after commencement of this Act any person may, with the approval of the Minister in writing previously had, exercise any right conferred under this or the Principal Act.

NOTES.

Certificates of abandonment

Makes it clear that such certificates may be obtained in respect of holdings applied for either before or after commencement of Act.

Also disqualifies the holder of a settlement purchase under Closer Settlement Act from making a conditional purchase, conditional purchase lease, homestead selection, or settlement lease under Crown Lands Acts.

Section 43, Crown Lands Act of 1895.

Forfeiture for want of good faith.

43. In any case where an application for a homestead selection, a conditional purchase, or for a settlement or conditional lease has been confirmed, or an application for a homestead lease has been recommended for approval, after the commencement of this Act, and it appears to the satisfaction of the local land board—

(a) that the application was not made in good faith; or

(b) that the land is not held or used for the exclusive benefit of the selector, purchaser, lessee, or apparent owner thereof.

The ~~Governor~~ Minister, shall have power to forfeit, by notification in the Gazette, the selection, purchase, or lease in question, together with all moneys paid thereon.

The allowing of stock, not owned by the holder of the land, to depasture thereon without having first obtained the Minister's consent thereto, shall be prima facie evidence that the land is not so held or used.

Nothing in this section contained shall affect any person acquiring any interest in a homestead selection, conditional purchase, settlement lease, conditional lease, or homestead lease, after the same becomes capable of being transferred, unless he shall, before acquiring such interest, have had notice of a violation of the provisions of the last preceding section, or of the intention to institute an inquiry as to such violation.

Any person who, before the issue of a certificate of conformity in respect of a conditional purchase, whether made before or after the commencement of this Act, takes a transfer or conveyance thereof, or of any interest therein, shall be held to have taken the same with notice and knowledge of all facts and matters by reason of which such conditional purchase may be liable to be forfeited or declared void.

All agreements for the sub-letting of a homestead lease shall be in writing, and a copy of every such agreement shall be verified and sent to the chairman of the local land board in the prescribed manner. Any sub-letting which is not effected by an agreement in writing, or in respect of which a copy of the agreement is not verified and sent as aforesaid, may, in the absence of any sufficient explanation, be taken to be evidence that the homestead lease is not held or used for the exclusive benefit of the lessee or apparent owner thereof.

NOTES.

Depasturing other people's stock without consent to be *prima facie* evidence that the land is not used for holder's exclusive use and benefit.

To prevent lands being held in the interests of another person.

Section 48, Crown Lands Act of 1895.

Interest on overdue payments.

48. So much of section ninety-six of the "Crown Lands Act of 1884" as enacts that the forfeiture of any lease for non-payment of rent may be prevented by payment thereof with an additional sum equal to five per centum of the amount due within three months of the due date thereof or of ten per centum of such amount within six months of such date is hereby repealed. Overdue moneys to bear interest accruing day by day.

Any sums which shall hereafter become payable to the Crown, whether as rent, license fee, purchase money, interest, payment for improvements, or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing day by day. Any such sums as aforesaid, which now are payable to the Crown, shall, from and after the commencement of this Act, bear the like interest accruing in the like manner: Provided always that any rent now payable shall not commence to bear such interest until after the expiration of the six months referred to in the aforesaid section ninety-six, and that after the expiration of such six months the said interest shall be calculated on the original amount of the rent together with the additional sum referred to in the said section: **Provided also that in any case where the Minister is satisfied that the circumstances warrant it, he may remit the payment of such interest wholly or in part.** Nothing in this section contained shall be construed so as to prevent or to compel the enforcement of any forfeiture, or the acceptance of any overdue sums together with interest as aforesaid.

NOTE.—In hard and very deserving cases the Minister remits payment of interest on arrears, although there is no provision for it in the Acts. The amendment is intended to confer that power on the Minister.

Section 49, Crown Lands Act of 1895.

Annual Leases.

49. An application under section thirty-three of the "Crown Lands Act of 1889" for an annual lease may be refused by the Minister in any case where the granting of such lease appears to him to be contrary to the public or general interest, or to be otherwise undesirable.

The rent for an annual lease shall commence from the first day of the month succeeding the date of the notification in the Gazette of the Minister's approval thereof, or acceptance of the tender for the same, or, in the case of an annual lease sold at auction, from the first day of the month succeeding the date of such sale; the first year of the lease shall expire on the thirty-first day of December then succeeding; and the rent for the first year shall be proportionate to the number of months between the commencement of the lease and the said thirty-first day of December. If an application for an annual lease be withdrawn otherwise than before or immediately after a ballot, or be refused, a reasonable sum for rent (if the land has been occupied) from the date of such application, and for costs incurred in dealing therewith may be retained from the deposit.

NOTES.

To protect the revenue. These leases are usually occupied as soon as applied for.

In cases where the application is withdrawn and the land has been occupied, it is only fair that rent should be paid.

Section 59, Crown Lands Act of 1895.

References to Land Appeal Court.

59. The Minister may refer to the Land Appeal Court any decision or recommendation of a local land board, whereby the rights, interests, or revenues of the Crown may have been, or may hereafter be injuriously affected, and may likewise refer any case where it may appear that a local land board has, or shall have failed, or neglected, to duly discharge its duty according to law, or that a local land board has or shall have exceeded such duty, or that a rehearing or further consideration is warranted.

Any such reference shall be duly made, if, and when, a notice in writing that the Minister has referred the case to the Land Appeal Court is given to the registrar of the said court, and no provision of the principal Act in respect of the lodging of appeals shall apply to the giving of such notice; but the Land Appeal Court shall deal with the matter of such reference in the same way, and the rights and liabilities of the Crown in respect of such reference shall be the same, as if such reference were an appeal by the Crown.

Nothing in this section contained shall affect any remedy by writ of prohibition, or mandamus, or in the nature of a mandamus, which the law now allows to the Crown or any person against a local land board.

NOTES.

Amends the section so that any decision of a land board may be referred to the Land Appeal Court in cases where such board has—

- (a) decided against evidence.
- (b) decided contrary to law, or that rehearing or reconsideration is warranted.

As the section is at present worded it is difficult sometimes to make a reference on the grounds set out therein.

Section 8, Crown Lands (Amendment) Act of 1899.

Enclosing of roads and water-courses.

8. Section fourteen of the Act fifty-two Victoria number seven is hereby repealed.

The local land board or the chairman of such board, on application being made to the chairman in the prescribed form and within the prescribed time by any holder of any holding whatsoever under any Crown Lands Act or any Acts amending the same, may grant permission to such holder to enclose, wholly or in part, any road or water-course traversing or bounding such holding, subject to payment of such annual rental as may be determined, and shall direct that gates or suitable substitutes such as the board or chairman of such board may consider necessary shall be erected or made so as not to unnecessarily interfere with any traffic, or, to any large extent, divert the natural flow of water.

Any such gate may, on application to, and approval of, the Minister who may administer the Public Gates Act of 1875 be made a public gate within the meaning, and subject to the provisions of that Act.

Upon complaint being made in the prescribed form to the chairman of the local land board, such board may, for any sufficient reason, cancel any permission granted under this section, or under the said section fourteen, and may order any fence, gate, or other structure on any road or water-course to be removed by such person, and within such period as such board may determine: **Provided that without making such complaint the Minister may, by notification in the Gazette, cancel any permission granted under this section if the rent determined remains unpaid at the expiration of three months from the date when such payments fell due. And the Minister shall have power to reverse the cancellation by him of any such permission upon such terms and conditions as to him may seem fit.**

Where permission is granted to enclose a road situated between lands held by different persons, and the person to whom such permission is granted derives, in the opinion of the board, a benefit from or uses any fence on or adjoining such road, such person (or any transferee of the land held by him) shall, so long as such permission remains unrevoked, be liable as a contributory towards the cost of maintaining in good repair such part of the fence as benefits, or is used by, him.

NOTES.

To cheapen and shorten procedure. At the present time a complaint must be made on behalf of the Minister, and investigated by the board, before cancellation may take place.

The expense of this is quite unwarranted by the small rentals received on account of these permits.

Section 2, Appraisement Act, 1902.

2. In this Act—

“Board” means the local land board as defined by the Crown Lands Act of 1889.

Interpretation.

“Crown Lands Acts” means the Crown Lands Act of 1884 and the Acts amending the same.

“Holding” means any number of portions of land held by one person bona fide in his own interest, in fee-simple, or as conditional purchases or conditional leases of the same or of different series, **or as homestead selection**, and being contiguous or separated only by roads or watercourses.

NOTE.—The section without the amendment does not admit of a homestead selection being considered in respect of a “holding.” The amendment is to supply an omission.

Section 5, Appraisement Act, 1902.

5. (1) Every such application shall be made in the prescribed form, accompanied by the declaration and fee prescribed, and shall be dealt with as provided by section six of the Crown Lands Act of 1889, **but may be withdrawn by the applicant by leave of the board at any time before the commencement of the hearing of the application by the board.**

Form of application.

(2) Every such application shall, subject to section three, include all conditional purchases and conditional leases of the same series then held by the applicant, and may include more than one series; and if such land or any part thereof is subject to any mortgage, the consent of the mortgagee in the prescribed form shall accompany the application: **Provided that an applicant shall not be entitled to have the capital value determined under this Act of any area in excess of what is, in the opinion of the Board, sufficient for the applicant to maintain his home thereon. In dealing with any such application by a husband or wife (where they are not living apart under an order for judicial separation made by a court of competent jurisdiction), the board shall for the purpose of fixing what area shall have the capital value determined as aforesaid, take into account any area of the wife or husband, in respect of which the capital value has been so determined.**

Series to be included.

NOTES.

The absence of a power of withdrawal of an application for appraisement inflicts hardship in some cases.

The other amendment is intended to prevent a husband and wife, not living apart, each obtaining an appraisement of a home-maintenance area.

Section 10, Appraisement Act of 1902.

10. Every applicant who has obtained a reduction of the capital value of any land shall, from the date of his application until the expiration of five years thereafter, live continuously and bona fide on same portion of the holding as his usual home without any other habitual residence; but this term of residence shall be reduced by any period not exceeding two and a half years, during which the applicant has, immediately preceding such date, so resided upon some part of his holding: **Provided that upon a bona fide transfer of the holding the condition of residence above prescribed may be fulfilled by the transferee.**

NOTE.—At present the person who has obtained the reduction of capital value must reside; by the amendment it is proposed, to allow any bona fide transferee reside.

Section 11, Appraisement Act, 1902.

Exceptions in
respect of
residence.
No. 109, 1902.

11. In any case where an applicant—

- (a) is the holder of any conditional purchase, other than a conditional purchase under section forty-seven of the Crown Lands Act of 1884, or of any conditional lease and is the original conditional purchaser or lessee, or a person on whom such purchase or lease has devolved under the will or on the intestacy of such original purchaser or lessee, and such purchaser, lessee, or person has not transferred such purchase or lease unless upon transfer by way of bona fide mortgage or security only; or
- (b) is on application as prescribed excused from the condition of residence by the board where the holding is such as is defined in section two, and the board decides that the circumstances of the case warrant his being so excused;

the condition of residence under this Act shall not attach to such purchase or lease either at the date of the application or afterwards.

NOTE.—The omission of these words is consequential upon the amendment made in section 2.

Section 5, Crown Lands Act of 1903.

Settlement leases.

Settlement
leases.

5. Any settlement lease applied for after the passing of this Act shall have a term of forty years. Such term shall be divided into four periods each of ten years. The annual rent of the first period shall (subject to the provisions of section three of this Act as far as regards additional leases) be notified by the Minister before the land is made available for lease, and the lessee may, if dissatisfied with the amount so notified, within three months require the said rent to be determined under section six of the Crown Lands Act of 1889, and the annual rent for each succeeding period may, on the application of the lessee, or on a reference by the Minister, be separately determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

The holder of any settlement lease applied for before the passing of this Act shall, on application as prescribed, have the term of his lease extended under the provisions of this section; and in any such case the term of forty years shall be held to have commenced when the lease commenced.

The rent for each period commencing after the date of application under this section shall be separately determined as aforesaid, but the unexpired portion of any period current at the date of such application shall, if it does not exceed five years, be joined with the period next succeeding, and the annual rent determined for the combined period.

If the unexpired portion of the period exceeds five years, the annual rent for such unexpired period shall be appraised as for a separate period.

Where any settlement lease applied for before the commencement of this Act, and not brought under the provisions of this section, is transferred or comes, other than by way of bona fide mortgage, into the possession of any person other than the owner thereof at the commencement of this Act, the rent payable for the unexpired term of the lease shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889, if the Minister so directs when giving his consent to the transfer, provided that the provision of this section shall not apply to a lease which may come into the possession of any person through the death or lunacy of the holder thereof.

So much of the Principal Acts as prescribe that the annual rent of a settlement lease shall be one and one quarter per centum of the capital value of the land is hereby repealed so far as regards settlement leases which come under the provisions of this section.

NOTE.—To prevent unnecessary appraisements under the law as it now stands, an appraisement must take place every time a lease is transferred.

Section 11, Crown Lands Act Amendment Act of 1903.

Transfer and exchange of holdings.

11. (1) The holder of any conditional purchase, or homestead selection, or settlement lease may, subject to the approval of the board, and subject to such board being of opinion that such holder does not hold an area which added to the area proposed to be acquired is more than sufficient to maintain his home thereon, and that the circumstances (due regard to be given to the purposes for which the lands were made available) warrant his being permitted to so enlarge his holding, acquire by transfer one or more conditional purchases (although a condition of residence attaches thereto), or homestead selections, or settlement leases, as additional selections or leases, and in any such case, the condition of residence attached to the original and additional holdings may be fulfilled on any one of such holdings.

(2) Holders of conditional purchases, conditional leases, settlement leases, or homestead selections or grants may, subject to the approval of the Minister upon the recommendation of the board, acquire by exchange portions of land held under conditional purchase, or conditional or settlement lease, or homestead selection or grant by adjoining holders, and the condition of residence attaching to any such portion may be fulfilled by residence on the holding to which such portion has by the exchange become attached.

(3) The lands to be acquired by transfer under this section shall be of the same tenure as the lands in virtue of which they are so acquired; and lands shall only be exchanged under the preceding subsections for lands of identical tenure.

(4) In order to complete an exchange of conditionally purchased or conditionally leased land for Crown lands, it shall not be necessary for the purchaser or lessee of such land to convert the same into freehold or conditionally purchased land.

NOTE.—To prevent the obtaining by transfer a living area in all cases. Where the lands are suburban, or have been set apart in areas to enable workmen while carrying on their ordinary pursuits, other than farming, to acquire and maintain a home, it is not intended to permit acquisition up to a living area. By this amendment discretion may be exercised.

Section 14, Crown Lands Act Amendment Act of 1903.

Rate of interest on conditional purchases.

14. After the passing of this Act the rate of interest payable on the balance of purchase money on any conditional purchase (other than a mining conditional purchase), whether applied for before or after the passing of this Act, shall (if the balance of purchase money is payable by annual instalments) be two and one half per centum per annum, instead of four per centum per annum: Provided that interest shall not be computed at the lower rate except where it commences to accrue for a full year of the purchase after the thirty-first day of December, one thousand nine hundred and two, and shall be charged at the original rate where it has commenced to accrue before the first day of January, one thousand nine hundred and three, for such year of the purchase as may be current at the passing of this Act.

This section shall in any case, as to conditional purchases held at the passing of this Act, apply only to so much of the area held by any one holder as the board may find to be sufficient to maintain the home of such holder, and the board in their determination of this matter shall take into consideration the number of persons who are to be maintained upon or by means of such land, and shall apply only to those *purchases* persons in connection with which an application for the reduction of the rate of interest as aforesaid has been or shall be made prior to the thirtieth day of June, one thousand nine hundred and ten, and only, in cases where the holder has for two years immediately before such date continuously resided on some part of such area, or on a conditional purchase or conditional lease of the same series: Provided that when any such conditional purchase is held by two or more persons as joint holders, such persons shall be deemed to be a holder; and if one of such persons has resided continuously as aforesaid the said conditions of residence shall be regarded as having been fulfilled with respect to such conditional purchase:

Provided also that the board may waive such conditions of residence in any case where it is satisfied that the land is held and used bona fide for the maintenance of the holder and his family. In any case where the rate of interest is reduced to two and one half per centum as well as in respect of all conditional purchases hereafter to be made, the annual payment may be made at the rate of nine pence for each pound of the purchase-money.

NOTES.

Reduction of rate of interest cannot be obtained where land is held by joint holders it is proposed to correct this.

Also, as the section does not require an application for the reduction to be made, the amendment is to provide for same and to limit the time for making such application to 30th June, 1910.

Section 15, Crown Lands Act Amendment Act of 1903.

Payments may be deferred.

Deferment of
payments.

15. The Minister may, at any time, defer the payment of any amount due, or to become due, within twelve months from the date of the application, on any holding under the Crown Lands Acts for any period not exceeding five years. Any payment so deferred shall bear interest at the rate of five per centum per annum from the date it became due until it is paid; and such interest shall, if the Minister so directs, be payable on such dates as he may determine. The Minister may allow the deferred amounts to be repaid by annual instalments, with interest at the rate mentioned in this section: **Provided that in any case where the Minister is satisfied that the circumstances warrant it he may remit the payment of such interest wholly or in part.** Nothing in this section shall prevent the payment of any amount before it becomes due.

NOTE.—This is a consequential amendment upon the addition of a similar proviso to section 48, Crown Lands Act of 1895.

Section 17, Crown Lands Act Amendment Act of 1903.

Married women may acquire land.

17. Any married woman (the provisions of the Principal Acts to the contrary notwithstanding) may, with the consent of the Minister, out of moneys belonging to her for her separate use, acquire by purchase or otherwise other than by an original application a conditional purchase, conditional lease, homestead selection, or settlement lease, and she shall have the same power of dealing with and disposing of the same both at law and in equity as if she were a femme sole, and it shall be a sufficient compliance with the Principal Acts, so far as residence is concerned, if she shall reside upon any conditional purchase, conditional lease, homestead selection, or settlement lease held by her husband; or her husband may fulfil the condition of residence on any conditional purchase, conditional lease, homestead selection, or settlement lease held by himself or any holding held by his wife under this section. In either case notice as prescribed shall be forwarded to the chairman of the local land board of the intention so to reside: **Provided that the Minister shall give his consent only in cases where he is satisfied that the lands sought to be acquired by any married woman, together with all lands held (other than under annual tenure) by her and by her husband, will not in the aggregate exceed a home maintenance area.**

NOTES.—This amendment is designed to prevent a husband and wife, not living apart, securing more than a home maintenance area.

Section 23, Crown Lands Act Amendment Act of 1903.

Annual leases.

23. An annual lease shall not exempt the land held thereunder from lease of any other kind, and, upon the land being sold or leased, the annual lease shall be held to have ceased and determined so far as regards the land so sold or leased.

The holder of any annual lease or leases (~~held by him on the first day of January, one thousand nine hundred and three~~), may apply to the Minister for an improvement lease of the whole or any part of the lease or leases so held, and the Minister shall thereupon refer the application to the local land board, and, if such board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interest exists to the granting of such application, the board may recommend and

the Governor may grant a lease of an area sufficient for that purpose for a period not exceeding ~~seven~~ ten years, subject to such rent and conditions as may be set out by the Minister in such reference, or such other rent and conditions as the Minister may after such report determine. The balance of the area (if any) may be held by the applicant as an annual lease: Provided that no such lease shall be granted on any proclaimed gold or mineral field except with the approval of the Minister for Mines.

Any holder of land held under annual lease may apply to have the rent thereof determined in accordance with the provisions of section six of the Crown Lands Act, 1889.

NOTES.

The object of this amendment is to permit of the holders of annual leases to apply for conversion of these leases into improvement leases.

As the Act now stands only those who held annual leases on the date struck out could apply.

The lease cannot be granted unless the Board is of opinion that the applicant has not an area sufficient to support a family and that no valid objection in the public interests exists to the granting of such a lease.

Section 30, Crown Lands Act Amendment Act of 1903.

30. The holder of any freehold the area of which is not less than forty acres, and in the opinion of the local land board is not sufficient to maintain his family, may, if he has for two years immediately prior to the passing of this Act and at the time of making application is residing on such freehold and using the same for the maintenance of his family by farming pursuits, apply for an additional conditional purchase or conditional lease in virtue thereof.

NOTE.—This amendment will enable the holder of a freehold of forty acres or more who has been in residence for two years prior to making the application to apply for additional conditional purchase or conditional lease.

Section 33, Crown Lands Act Amendment Act of 1903.

Condition of residence.

33. Where a person is the holder of two holdings of any tenure under the Crown Lands Acts, within a reasonable working distance of each other and a condition of residence attaches to either or both holdings, he may, with the consent of the board, and subject to such conditions as the board may impose, perform the condition or conditions of residence by residing on one of such holdings.

NOTE.—The object of this amendment is to restrict the concession of one residence for two different holdings to cases where the holdings are within a reasonable working distance of each other.

Section 4, Crown Lands Amendment Act of 1905.

Setting apart areas of land for holdings.

4. (1) Notwithstanding anything to the contrary in the Principal Acts contained the Minister may, by notification in the Gazette, set apart areas of land (to become available on and after such dates as may be specified) for either—

(1) Original holdings, which include—

(a) original conditional purchases;

(b) original conditional purchases and conditional leases to be taken up in virtue of and at the same time as the original conditional purchases within the said area;

(c) homestead selections;

(d) settlement leases,

(2) Additional holdings, which include—

- (a) additional conditional purchases ;
- (b) conditional leases, other than those mentioned in subsection one (b) of this section ;
- (c) additional homestead selections ;
- (d) additional settlement leases ;
- (e) **additional conditional purchase leases ;**

but the Minister shall not in such notification set apart an area in such a way as to be available for original holdings at the same time as for additional holdings ; but, save as aforesaid, land may be made available for one or more of the foregoing classes of holdings, and shall not be available for any class of holding not specified in the notification.

(2) The Minister may also by the same or subsequent notification specify the prices, capital values, or rentals of such land, but if such prices, capital values, or rentals are not so notified, they shall be determined in accordance with the provisions of section six of the Crown Lands Act of 1889.

(3) For the purpose aforesaid, the Minister shall have all the powers vested in the Governor under sections ten, thirteen, and twenty-four of the Crown Lands Act of 1895, and the provisions of section ten shall apply to such notification, and to the effect thereof.

The areas of land set apart by the Minister may be limited to the surface only of such land, or to the surface and to such depth below the surface as may be specified in the notification, and such areas shall also be subject to any reservations of timber, scrub, or undergrowth, and to such other reservations and restrictions as to the Minister may seem necessary in the public interest, and are specified in the notification.

NOTES.

Enables the Minister to sell only the surface and to any specified depth below. Specially applicable to gold-fields. Also enables conditions to be inserted to ensure preservation of arboreal cover, and any other conditions deemed necessary.

Specially required in connection with Barren Jack Catchment area.

Section 5, Crown Lands Amendment Act of 1905.

Additional holdings.

5. (1) Where any Crown lands are set apart for additional holdings as aforesaid, the holder or applicant for any—

- (a) original conditional purchase, other than a conditional purchase under section forty-seven of the Crown Lands Act of 1884,
- (b) homestead selection,
- (c) settlement lease,
- (d) **conditional purchase lease,**

may, subject to the provisions of section four, make application as prescribed, accompanied by a provisional deposit and survey fee as prescribed, for land to be held by him as an additional holding under the same class of tenure as that under which he holds the land by virtue of which the application is made, except that the holder of or applicant for an original or additional conditional purchase may apply for a conditional lease subject to the limitation of section twenty-six of the Crown Lands Act of 1889.

(2) ~~No application shall be made by virtue of the same conditional purchase homestead selection or settlement lease while any previous application under this section remains undisposed of.~~ **No application for an additional conditional purchase, additional purchase lease, additional homestead selection, or additional settlement lease, shall be made in virtue of the same conditional purchase, conditional purchase lease, homestead selection, or settlement lease, while any previous application under this section for such additional holding remains undisposed of.**

(3) No application under this section shall be made by the transferee of an original conditional purchase unless the applicant shall have been in residence on his holding for twelve months immediately prior to his application, or the Board find that the applicant was forced to discontinue his residence by reason of adverse conditions beyond his control.

(4) The mere fact that the land applied for does not adjoin the original conditional purchase or any purchase or lease of the series, or the original homestead selection or settlement lease, or **conditional purchase lease,** shall not be a bar to the additional purchase homestead selection or lease applied for.

NOTES.

(1) To make clear that an applicant has not to wait until his original application is confirmed before he may apply for an additional holding.

(2) Necessary, in view of the proposal to introduce additional conditional purchase leases.

(3) To remedy the present disability to apply for an additional conditional purchase and conditional lease at the same time. Supreme Court's decision in *Robert v. Doolan*.

Section 7, Crown Lands Amendment Act of 1905.

7. There shall be no appeal to the Land Appeal Court from the decision of the Board, under the preceding section, ~~on any question as to—~~

- (1) ~~reasonable working distance as aforesaid;~~
- (2) ~~the area sufficient for the maintenance of a home as aforesaid;~~
- (3) ~~the area which the Board shall, or shall not, have allotted to any applicant;~~
- (4) ~~the position of any area allotted; or~~
- (5) ~~that nearer available land should have been applied for;~~

Provided that the Minister may, within twenty eight days after the decision has been given, refer it for determination to the Land Appeal Court ~~a decision of the Board on any of the foregoing questions.~~ In such case the decision of the Appeal Court shall be final.

NOTE.—This amendment does away with any right of appeal to the Land Appeal Court in respect of decisions of the Land Boards relating to applications for additional holdings within classified areas.

Section 8, Crown Lands Amendment Act of 1905.

8. The general provisions and conditions of the Principal Acts shall apply to every purchase, selection, or lease of land set apart under section four hereof, except that the condition of residence attached to the original and additional holdings may be fulfilled on one of such holdings, and that no application for an additional holding of any of the classes specified herein shall be invalid by reason only of the fact that the area available is less than forty acres, where, in the opinion of the Board, it is desirable to allot a lesser area. The Board ~~Minister~~ may, by notice in the Gazette, attach any ~~of the prescribed~~ conditions to any additional homestead selection or additional settlement lease.

NOTE.—The present law requires the Board to attach any prescribed conditions to additional homestead selections and settlement leases. It is found restrictive, inconvenient, and cumbersome—hence this proposal to give the Minister power to attach any conditions by Gazette notice.

Section 9, Crown Lands Amendment Act of 1905.

9. Original and additional homestead selections ~~or conditional purchase leases~~ or settlement leases shall be deemed to be one holding, and shall not be transferred apart or held separately. Notwithstanding anything in the Principal Acts, where any original homestead selection ~~or conditional purchase lease~~ is legally transferable, any additional homestead selection ~~or conditional purchase lease~~ held in virtue thereof shall also be transferable with such original homestead selection ~~or conditional purchase lease~~ as aforesaid.

NOTE.—Necessary in view of proposal to provide for additional conditional purchase leases.

Section 10, Crown Lands Amendment Act of 1905.

Conditional purchase lease.

10. The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of conditional purchase lease; and any lands so set apart shall be dealt with as follows, that is to say—

- (a) a subdivision thereof shall be made into blocks, ~~and the standard to be adopted in regulating the area of each such block shall be that the lessee thereof may, by agriculture, dairy farming, or grazing, either separately or combined, be enabled to establish and maintain his home thereon~~ **of such areas as the Minister may determine;**
- (b) the capital value of each such block shall be fixed by the Minister for the period of the first ten years of the lease, according to the capabilities and situation of the land, the timber thereon, and means of access thereto: Provided that the lessee may, within six months of confirmation, apply in the prescribed manner, and on payment of such costs as may be ordered, not exceeding five pounds, shall be entitled to have such capital value determined under the provisions of section six of the Crown Lands Act of 1889. For each succeeding period of ten years the Board shall determine the capital value on a similar basis.
- (c) the rental of each such block shall be at the rate of two and a half per centum per annum of such capital value;
- (d) the Minister shall also notify in the Gazette particulars of the said blocks, and of their respective areas, capital values, and rentals, and of the estimated value of any improvements thereon, and specify a date on and after which leases of the said blocks may be applied for;
- (e) the value to an incoming tenant of any improvements on any such block shall be appraised by the Board in the prescribed manner, and such appraisal shall, as between the Crown or the owner of the improvements, as the case may be, and any person leasing the said block, be conclusive evidence of the value of the improvements at the date of the appraisal: Provided that where the improvements do not belong to the Crown, and an agreement as to payment therefor has been arrived at between the applicant and the owner, no appraisal shall be necessary;
- (f) the Minister may also notify what special conditions as to improvements, cultivation, and preservation or planting of timber, and such other matters as require to be regulated in the public interest, shall be made conditions of the lease of any such block;
- (g) any notification under this section may be corrected, amended, modified, or revoked, whether as to the whole or any part thereof, by notice in the Gazette;
- (h) any subdivision, whether made before or after any notification under this section, may be taken to be a subdivision within the meaning of this section, and one or more measured portions may, by notification under this section, constitute a block:

Provided that a notice under this section shall not affect—

- (a) the reservation for public purposes of any Crown lands; or
- (b) the granting or renewing of occupation licenses and annual leases, unless the same be expressly excluded; or
- (c) any lease in existence at the date thereof.

NOTE.—At present conditional purchase lease blocks must be “living areas,” it is often found inconvenient to adhere to this, and additional conditional purchase leases are provided for in the Bill, hence this amendment to allow the Minister to exercise discretion as to areas.

Section 14, Crown Lands Amendment Act of 1905.

14. Any person not being under the age of eighteen years in the case of a male, or twenty-one years in the case of a female, who is not disqualified under the provisions of section forty of the Crown Lands Act of 1895, as amended by this Act, and is not the holder of any land except—

- (a) ~~town or suburban land as defined in the Principal Acts, or~~ land the total area of which does not exceed forty acres,

- (b) land held as a tenant from a private holder,
may apply for a conditional purchase lease under this Act, subject to the following provisions :—
- (1) Such person shall not, for the purpose of qualifying for applying under this Act, have divested himself or herself of any land held by him or her within twelve months before the date of application.
 - (2) Such person, if a female, shall be unmarried or widowed, or, if married, be living apart from her husband, under an order for judicial separation made by a court of competent jurisdiction.

NOTES.

Conditional Purchase Leases.

Under the existing law applicants for conditional purchase leases must not hold land other than town and suburban lands as defined in the Principal Acts. As this provision has led to the exclusion of holders of small allotments, which are actually town and suburban lands, but which do not technically conform to this definition thereof.

It is now proposed to bar only those who hold more than forty acres of land. This harmonises with settlement purchases under the Closer Settlement Act.

Section 28, Crown Lands Amendment Act of 1905.

Conflicting applications.

28. The following provisions are substituted for the provisions contained in section twenty of the Crown Lands Act Amendment Act, 1903 :—

Subject to regulations which may be made hereafter—

- (a) The order of priority of conflicting applications for ~~original~~ holdings **other than those for additional holdings within areas set apart under section four of this Act**, made, tendered, or lodged to, or with the land agent simultaneously, shall be determined by the Board, and where, in the opinion of the Board, any such applications have equal claims to priority, the order of their priority shall be determined by ballot. The Board may impose a penalty on the withdrawal or disallowance of any application, by retaining the whole or such portion of the deposit money as may, after due inquiry, seem justifiable, and, at its discretion, disqualify such applicant from making any fresh application for such period as it may determine.
- (b) Conflicting applications shall be dealt with by the Board, in the order of their priority, as determined in accordance with this section.
- (c) Applications for conditional purchases and conditional leases of the same series, shall, for the purposes of any ballot, be deemed to form together a single application for the whole of the land comprised within the said applications taken conjointly.
- (d) No determination of the order of priority, or decision of the Board as to whether an applicant is or is not entitled to be included in a ballot to determine priority, shall be the subject of an appeal to the Land Appeal Court.

NOTES.

Ballots.

The amendment will make the law apply to ballots for all holdings, original or additional, except in the case of applications for additional holdings in areas set apart under section four of the Act of 1905.

At present, the ballot provisions apply to applications for original holdings only.

(b) For the purpose of this section, the term "original holding" means the first acquisition of the property by the taxpayer, whether by purchase, gift, or otherwise, and includes any period of time during which the property was held by the taxpayer or any predecessor in title.

(c) In the case of a taxpayer who has acquired property by purchase, the term "original holding" shall include the period of time during which the property was held by the taxpayer or any predecessor in title, whether or not the property was subsequently transferred to the taxpayer by gift or otherwise.

Section 1223. Original Holding Period of 1933.

(a) The holding period of any property acquired by a taxpayer by purchase shall be the period beginning on the date of the acquisition and ending on the date of the disposition of the property.

(b) The holding period of any property acquired by a taxpayer by gift shall be the period beginning on the date of the acquisition and ending on the date of the disposition of the property, unless the property was acquired from a decedent, in which case the holding period shall be the period beginning on the date of the decedent's death and ending on the date of the disposition of the property.

(c) The holding period of any property acquired by a taxpayer by exchange shall be the period beginning on the date of the acquisition and ending on the date of the disposition of the property, unless the property was acquired from a decedent, in which case the holding period shall be the period beginning on the date of the decedent's death and ending on the date of the disposition of the property.

(d) The holding period of any property acquired by a taxpayer by inheritance shall be the period beginning on the date of the acquisition and ending on the date of the disposition of the property, unless the property was acquired from a decedent, in which case the holding period shall be the period beginning on the date of the decedent's death and ending on the date of the disposition of the property.

(e) The holding period of any property acquired by a taxpayer by bequest shall be the period beginning on the date of the acquisition and ending on the date of the disposition of the property, unless the property was acquired from a decedent, in which case the holding period shall be the period beginning on the date of the decedent's death and ending on the date of the disposition of the property.

The holding period of any property acquired by a taxpayer by purchase shall be the period beginning on the date of the acquisition and ending on the date of the disposition of the property.

At present, the holding period for original holdings only.