

*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.*

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

*Legislative Assembly Chamber,  
Sydney, 17 September, 1913, A.M.*

## New South Wales.



ANNO QUARTO

# GEORGI V REGIS.

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Act No. , 1913.

An Act to amend the Crown Lands Consolidation Act, 1913; to provide for the granting of grazing leases and of leases of town lands; for the protection of survey marks; and for purposes consequent thereon and incidental thereto.

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

**1.** This Act may be cited as the "Crown Lands Amendment Act, 1913," and shall be read and construed with the Principal Act.

65133

41—A

**2.**



*Crown Lands Amendment.*

**2.** In this Act—

Definition.

The "Principal Act" means the Crown Lands Consolidation Act, 1913.

**3.** (1) The following new sections and short headings New sections after s. 136.  
5 are inserted next after section one hundred and thirty-six of the Principal Act:—

*Grazing leases.*

10 136A. (1) The Minister may, by notification in the Gazette, set apart, for disposal by way of "grazing leases," any Crown lands which, pending the construction of a railway or other facilities of communication, or until it is proved that they may be profitably cultivated, are deemed to be suitable only for grazing purposes. Setting apart of land for grazing purposes.

15 (2) The lands may, without being surveyed, be so set apart in such blocks or areas as the Minister may determine, and shall be taken according to the published plan or design thereof. If any lessee requires that the block leased by him be measured, he shall pay the cost of measurement.

20 (3) The Minister shall notify in the Gazette particulars of the blocks and their respective areas and rents, and also the term for which the leases will be granted, and shall specify a date, on and after which, leases of the said blocks may be applied for.

25 (4) The term of the lease shall not exceed ten years; and in every case the Minister shall have the right to withdraw the land from lease at any time after the expiration of the first three years of the lease without payment of any compensation for such withdrawal.

30 (5) The Minister shall also notify in the Gazette what special conditions, other than conditions which may have been prescribed by regulations, as to improvements, cultivation, and preservation or planting of timber, and such other matters as require to be regulated in the public interest, shall attach to the leases.

(6)



*Crown Lands Amendment.*

(6) 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.

5 *Application for grazing leases.*

10 136B. (1) On and after the date specified in the Minister's notification for that purpose, the applicant for or the holder of a homestead farm or Crown lease which is situated within any homestead farm area or Crown lease area named or described in such notification, and only such an applicant or holder, or, where it is specifically stated in such notification, any person may apply to the Crown land agent for a grazing lease of a block of such land:

15 (2) The application shall be made and lodged in the prescribed manner, and shall be accompanied by one half-year's rent in advance, and, if the blocks have been or it is intended that they shall be measured, such survey fee or instalment thereof as may be specified in the Minister's notification.

20 (3) The applicant shall, upon the day appointed, satisfy the local land board that he is entitled to obtain a lease of a block. If the local land board be so satisfied, it shall approve of the lease, and such approval shall be notified in the Gazette: Provided that the local land board shall have absolute discretion in approving of or refusing any application for a lease, and any refusal of an application shall not be the subject of an appeal to the Land Appeal Court: Provided always that not more than two of such leases shall be held by or in the interest of one person.

25 (4) The lease shall commence and rent shall be payable from the date of the application for the lease, subject, however, to the local land board's approval thereof.

(5)



*Crown Lands Amendment.*

(5) The lease shall not be held apart from the homestead farm or Crown lease in virtue of which it was applied for, and the forfeiture of such homestead farm or Crown lease shall involve the forfeiture of the grazing lease.

(6) The lease shall be liable to forfeiture if any rent be not paid when due, or upon breach of any condition attached thereto.

*Extension of term of lease.*

136c. During the last year of the term of a grazing lease the lessee may apply for an extension of the term of the lease, and if the Minister is of opinion that the land is still suitable only for grazing purposes, he may grant such extension or any subsequent extension for a period not exceeding ten years: Provided that at any time during the period for which an extension of the term of the lease may be granted, the Minister shall have the right to withdraw the land from lease without payment of any compensation for such withdrawal.

*Tenant-right in improvements.*

136d. Upon the expiration of the term of a grazing lease, the lessee shall be entitled to tenant-right, as defined in section two hundred and twenty-three of the Principal Act, in existing improvements made by the lessee, with the approval of the Minister.

(2) The following amendments are made in the Principal Act:—

- 30 (a) In subsection four of section eighty-five, after "suburban holding" omit the word "or"; after "Crown lease" insert the words "or grazing lease"
- 35 (b) In subsection one of section two hundred and twenty-two, after "settlement lease" insert the words "grazing lease"
- (c) In subsection two of the same section, after "irrigation area" insert the words "or of a settlement lease"

(d)



*Crown Lands Amendment.*

(d) In section two hundred and twenty-eight, after "1903" insert the words "grazing lease"

4. (1) The following new section and short heading are inserted next after section one hundred and eighteen of the Principal Act:—

New section after s. 118.

*Homestead farms to be acquired as additional areas.*

10 118A. Notwithstanding anything contained in this Act the Minister may set apart any area of Crown land, not being in the Western Division, for homestead farms, and by the notification setting apart such land, may limit the applications therefor or for any part thereof to persons who are the holders of land—other than town or suburban land, or land which was not set apart to provide a home maintenance area—under any tenure under the Crown Lands Acts, such lands being within a reasonable working distance of the land so set apart—

Setting apart of homestead farms or for holders of other land.

The following provisions shall apply to any area set apart with the limitation aforesaid—

- 20 (a) The applicant for a homestead farm shall at the date of his application be in residence on his holding.
- (b) The area of each homestead farm within the area set apart shall be such area as may be allotted by the local land board.
- 25 (c) The local land board shall not allot as a homestead farm an area which, with other lands required by this Act to be taken into account, will exceed a home maintenance area.
- 30 (d) The capital value of the homestead farm for the first twenty-five years period of the lease shall be as determined by the local land board.
- 35 (e) The provisions of paragraphs (a), (b), (c), (d), and (e) of subsection two of section one hundred and fourteen, and subsection three of that section, are hereby extended to applications under this section.

(f)



*Crown Lands Amendment.*

5 (f) The condition of residence attached to the homestead farm may be performed by the lessee residing on the holding in virtue of which he applied for the farm, but notice of his intention to so perform the condition shall be given in the prescribed form.

10 (g) Subject to the qualifications contained in this section, the general provisions and conditions of this Act relating to homestead farms shall apply to homestead farms or applications therefor under this section.

(2) Section one hundred and nineteen of the Principal Act is amended by inserting after "Part VII of this Act" the words and figures "and who is not excluded by the Minister's limitations referred to in section 118A."

20 **5.** (1) The following new section and short heading are inserted next after section one hundred and thirty New section after s. 130.  
20 of the Principal Act :—

*Crown-leases to be acquired as additional areas.*

25 130A. Notwithstanding anything contained in this Act, the Minister may set apart any area of Crown land—not being in the Western Division—for Crown-leases, and by the notification setting apart such land may limit the applications therefor, or for any part thereof, to persons who are the holders of land—other than town or suburban land, or land which was not set apart to provide a home-maintenance area—under any tenure under the Crown Lands Acts; such land being within a reasonable working distance of the land so set apart. Setting apart of land for Crown-leases to be granted to holders of other land.

30 The following provisions shall apply to any area set apart, with the limitation aforesaid :—

35 (a) The applicant for a Crown-lease shall, at the date of his application, be in residence on his holding,

(b)



*Crown Lands Amendment.*

- (b) The area of each Crown-lease within the area set apart shall be such area as may be allotted by the local land board.
- 5 (c) The local land board shall not allot as a Crown lease an area which with other lands required by this Act to be taken into account will exceed a home-maintenance area.
- 10 (d) The capital value of the Crown-lease for the first fifteen years period of the lease shall be as determined by the local land board.
- 15 (e) The provisions of paragraphs (a), (b), (c), (d), and (e) of subsection two of section one hundred and fourteen, and subsection three of that section, are hereby extended to applications under this section.
- 20 (f) The condition of residence attached to the Crown-lease may be performed by the lessee residing on the holding in virtue of which he applied for the lease, but notice of his intention to so perform the condition shall be given in the prescribed form.
- 25 (g) Subject to the qualifications contained in this section, the general provisions and conditions of this Act relating to Crown-leases shall apply to Crown-leases or applications therefor under this section.
- 30 (2) Section one hundred and thirty-one of the Principal Act is amended by inserting after Part "VII of this Act" the words, "and who is not excluded by the Minister's limitation referred to in section 130A."
- 35 **6.** The following new section and short heading are New section after s. 82. inserted after section eighty-two of the Principal Act—

*Leases of town lands.*

- 40 **S2A.** The Minister may lease Crown lands within the boundaries of any town by public auction at such place as he may direct and notify in the Gazette, not less than one month before the day of sale,
- Leasing of Crown lands within towns.



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*Crown Lands Amendment.*

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sale, or by tender duly notified as aforesaid. The leases shall be subject to the provisions hereunder specified:—

- 5 (a) The lease shall not be subject to any term of residence.
- (b) The lease shall be a lease in perpetuity.
- (c) The area included in a lease shall not exceed one half acre.
- 10 (d) The amount bid at a sale by public auction of the lease or offered by an accepted tender—not being less than the upset capital value in either case—shall be the capital value upon which the annual rent at the rate of two and one-half per centum shall be calculated and paid for the first period of twenty years of the lease.
- 15 (e) The capital value of the land leased for each period of twenty years succeeding the first period of twenty years of the lease shall be determined by the local land board irrespective of any improvements on the land which are owned by or have been effected by the lessee. The rent for each such period shall be two and one-half per centum of the capital value of the land as so determined.
- 20 (f) An upset capital value for the first period of twenty years of the lease shall be placed upon any such lease if offered at auction or by tender, and the Minister shall not be bound to accept any tender.
- 25 (g) The lease—which shall be in the prescribed form—may contain such covenants and provisions as to the Minister may seem expedient according to the circumstances of each case, and all such covenants and provisions shall be notified in the Gazette and attention shall be invited thereto by advertisement in a local newspaper before the lease is offered for sale or tenders are called for.
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- 35
- 40

(h)



*Crown Lands Amendment.*

(h) No person shall hold or cause to be held on behalf or in his interest more than one of such leases under penalty in every such case of forfeiture of every lease held by him or on his behalf or in his interest and any rent paid thereon: Provided that where the Minister is satisfied that the business of any person requires him to hold more than one such lease he may, upon the recommendation of the local land board, permit a larger number of such leases to be held.

(i) The lease shall be liable to forfeiture if any rent be not paid when due or upon breach of any condition attached thereto.

7. (1) The following new section and short heading are inserted next after section one hundred and sixty-one of the Principal Act:—

New section after s. 161.

*Deposits for certain applications within classified areas—  
how payable.*

161A. The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board shall render the application null and void.

Cases where deposit on rent and survey fee need not accompany the application.

(2) In sections forty-four (subsections one and three), eighty-nine, ninety-nine, one hundred and five, one hundred and nineteen, one hundred and twenty-five, one hundred and thirty-one, and one hundred and forty of the Principal Act, the words "shall be accompanied" are omitted, and in lieu thereof the words "shall, except as provided in section 161A, be accompanied," are inserted.



*Crown Lands Amendment.*

In subsection two of section one hundred and fourteen of the Principal Act the words "except as provided in section 161A" are inserted next after the words "be accompanied"

5 In subsection three of section one hundred and fifteen of the Principal Act the words "subject to the provisions of section 161A" are inserted at the commencement.

10 In section one hundred and sixty-one of the Principal Act the words "except as provided in section 161A" are inserted next before the word "payment"

*Suburban holdings—Suspension of residence.*

8. The following proviso is added at the end of section one hundred and twenty-six of the Principal Act.

15 Provided that where the suburban holding is—

- (a) within the boundaries of the town ; or
- (b) within the Newcastle Pasturage Reserve ; or
- (c) does not exceed the area of an acre ;

20 the Minister, upon application made in the prescribed form, and on sufficient reason being shown, may suspend the performance of the condition of residence for such periods not exceeding twelve months under any one application—as to him may seem fit.

25 9. The following new section and short heading are inserted next after section two hundred and sixty-four of the Principal Act :—

*Transfer of holdings through adverse circumstances.*

30 264A. Notwithstanding anything contained in this Act, a conditional purchase, homestead selection, or any lease may be transferred at any time before the expiration of five years' from the commencement of title thereto if the Minister is satisfied that the holder is compelled by sickness of himself or family, financial difficulties or incapacity or other adverse circumstances to leave his holding, and the

35 Minister consents to the transfer.

10.



*Crown Lands Amendment.*

**10.** The following new section and short heading are inserted next after section two hundred and thirty-one of the Principal Act :—

New section after s. 231.

*Surrender of settlement lease.*

5           231A. The Minister may accept a surrender of a settlement lease in any case where he is satisfied that the lessee is compelled by sickness of himself or family or other adverse circumstances to leave his holding. Upon the acceptance of the surrender the lessee shall be entitled to tenant-right in improvements on the land, subject however to the provisions of section two hundred and twenty-three.

Surrender of settlement lease.

10           **11.** The following new sections and short headings are inserted next after section two hundred and forty-five of the Principal Act :—

New section after s. 245.

*Surveyor's power of entry.*

20           245A. In making any authorised survey, or for any purpose relating thereto, a surveyor with his assistants may open any fence and may enter upon any land.

Power of surveyors to enter land.

Any person obstructing a surveyor or his assistants in the exercise of the powers hereby conferred shall be liable to a penalty not exceeding ten pounds.

25                           *Survey marks.*

30           245B. If any person shall unlawfully and wilfully obliterate, remove, or deface any boundary or survey mark or any land-mark or beacon made or erected by the authority of the Surveyor-General or by or under the direction of any authorised Government officer, such person shall be guilty of a misdemeanour.

Penalty for removing or defacing survey marks, &c.

35           **12.** The following new section and short heading are inserted next after section two hundred and twenty-two of the Principal Act :—

New section after s. 222.

*Tenant-right in improvements on special leases.*

222A. Upon the expiration by effluxion of time of the term of any special lease, the Minister may upon

Tenant-right to holders of special leases.



*Crown Lands (Amendment.)*

upon application being made as prescribed, and upon the recommendation of the local land board, grant tenant-right as defined in section two hundred and twenty-three in improvements upon the lands theretofore held under the expired lease.

5 **13.** The following amendments are made in the Principal Act:—

Section thirty-four: The words "or to interfere with the use of such routes or camping-places by bona-fide travellers, teamsters, or carriers" are inserted after the expression "to impound any travelling stock."

Amendment  
of Principal  
Act:

Section 34.

Section one hundred and twenty-seven: The following proviso is added next after the words "in the Gazette":—

Section 127.

15 Provided that the applicant may within six months after the confirmation of his application—or where the application has been confirmed prior to the commencement of the Crown Lands Amendment Act, 1913, within six months from such commencement—apply in the prescribed manner to have the capital value of the suburban holding determined by the local land board; and on his paying the fee in connection with his application as prescribed such capital value shall be determined accordingly upon the same basis as that provided for fixing the capital value in the first instance.

30 Section one hundred and seventy-six: The words "where the aggregate area held by him does not in the opinion of the local land board exceed a home maintenance area" are inserted after the words "he may"

Section 176.

35 Section one hundred and ninety, subsection five: At the end of the first paragraph the following words are added:—"In the case of a conditional lease the local land board shall also determine the price at which the land may be converted into an additional conditional purchase."

Section 190.

40 The proviso in subsection six is omitted.

Section



*Crown Lands Amendment.*

Section two hundred and fifty, subsection three: Section 250.

The following paragraph is added at the end of the subsection:—“ And such lessee or licensee shall not be entitled to interfere with the use of such routes or camping-places by bona-fide travellers, teamsters, or carriers, or to impound any stock that they may reasonably require for the purposes of their journey or business or to bring any action in respect thereof while such stock shall keep within the boundaries of the said routes or camping-places.”

Section two hundred and sixty-eight: The words Section 268.

“ whether of the same tenure or not ” are inserted after the words “ transfer their holdings.”

The proviso is omitted and the following proviso is inserted in lieu thereof:—

Provided that—

(a) Unless the Minister otherwise directs, where part only of a holding is a subject of the exchange, and the holdings are not of the same tenure, such exchange shall be of the land and not of the holding or part of the holding; and in any such case land exchanged for other land shall be held on the same terms and be subject to the same conditions as those under which such other land was held at the date of the exchange; and

(b) An exchange of portion of a holding shall not be permitted if the portions exchanged will not, in the opinion of the local land board, be within a reasonable working distance of the holdings to which they are respectively to be attached.











