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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No.       , 1918.

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## A BILL

To provide for the purchase or lease of land to enable the Minister for Lands to carry on share-farming operations; to regulate and control share-farming agreements; to provide a basis of valuation in certain cases of resumption of lands; to establish boards of control; to provide for exemption of certain lands from taxation; to amend the Small Debts Recovery Act, 1912, the Crown Lands Acts, and certain other Acts; and for purposes consequential thereon or incidental thereto.

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**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 "Share-farming Act, 1918."

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**2.**

**2.** In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Board” means a board of control constituted under this Act.

“Minister” means the Secretary for Lands.

“Owner” means the person or persons in whom the fee-simple of the land or the right to obtain the fee-simple thereof is vested.

“Prescribed” means prescribed by this Act or by any regulation made under it.

“Share-farmer” means any person who holds any land on terms of sharing with the Minister or the owner, the profits derived from the farming, occupation, or use of such land.

Unless the context necessarily requires a different meaning, expressions defined in the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, shall bear the same meaning in this Act.

*Notification of districts and limitation of Act.*

**3.** For the purposes of this Act the Minister may, by notification in the Gazette, establish and define the boundaries of districts, and in like manner may limit the operation of this Act to certain specified districts, and may revoke or alter any such notification.

*Boards of control—how constituted.*

**4.** The Governor may, for the purposes of this Act, constitute a board of control for each district, or for any number of districts, and may dissolve or re-constitute any such board.

Each board shall consist of not more than three members, who shall be appointed by the Governor, and shall hold their respective offices during the pleasure of the Crown.

One of such members shall be the chairman, who may be appointed as chairman of one or more boards, and shall be paid such salary as Parliament may sanction. The chairman shall, if present, preside at all meetings,  
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and shall have an original vote on any question before the board, and shall have a casting vote on any question on which the votes are equal.

Every other member shall be paid such fee for each sitting as may be prescribed.

Any member of a 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.

The resignation or bankruptcy of any member of a board, or his absence from three consecutive meetings of the board without leave of the Minister, shall cause a vacancy in his office, and the Governor may appoint a person to supply such vacancy or any vacancy caused by the removal of a member of a board from his office.

In the event of the chairman being unable to act from any cause whatever, the Governor may appoint a deputy-chairman.

In the absence of the chairman or deputy-chairman the members present at any meeting may elect one of their number to act as chairman at such meeting or any adjournment thereof, who while so acting shall have all the powers and authorities of the chairman. Two members shall form a quorum. The chairman shall have power on behalf of the board to deal with such matters as may be prescribed.

*Powers of boards of control.*

**5.** A board shall have power to review all proposed share-farming agreements; to vary the terms and conditions thereof; to fix the conditions generally in all matters relating to the carrying on of this form of farming; to settle disputes, or make adjustments in case of a difference, disagreement or dispute between persons in the carrying out of share-farming agreements; to provide a standard agreement; to encourage and ratify special agreements, and to take such steps and exercise such powers as the Minister may consider necessary for the proper regulation and control of all matters relating to share farming.

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*Share-farming agreements.*

**6.** No share-farming agreement entered into after the commencement of this Act shall be valid for any purpose whatsoever unless it be in writing and in terms of a standard agreement adopted by a board ; or if not in such terms it be approved by a board within three months after the date of the execution thereof.

*Purchase or lease of land by the Minister.*

**7.** It shall be lawful for the Minister to enter into an agreement with the owner of land within any district notified under this Act for the purchase or lease of such land or part thereof on such terms and conditions, and in the case of a lease for such period, as the Minister may consider proper.

Every such agreement for lease shall contain an option to purchase the land or part thereof at any time during the currency of the lease at a price agreed upon between the Minister and the owner or at the price otherwise determined in accordance with this Act. Such price shall be fixed as at the date the agreement for lease is entered into.

In the event of the Minister and the owner failing within a reasonable time to agree to a price for the land, such price shall be determined by a board. Any determination by a board under this section shall be subject to appeal to the Land Appeal Court and to reference by the Minister, as provided in the Crown Lands Acts.

*Power to resume land.*

**8.** Where, in the opinion of the Minister, land situated within the boundaries of one or more districts established or defined under this Act is not being used for the purposes for which it is most reasonably fitted, he may notify in the Gazette his intention to direct that an inquiry shall be held as to whether such land or part thereof should be resumed by the Governor.

Subject to the provision hereinafter contained, no disposition of such land, unless made with the consent of  
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of the Minister, shall operate to defeat the power of the Governor to resume the same or part thereof under this Act.

Within three months after the expiration of the date of such notification the Minister may require a board to inquire and report—

- (a) whether the major portion of such land is being used for the purposes for which it is most reasonably fitted;
- (b) whether such land or part thereof should be resumed for the purposes of this Act;
- (c) the value of such land or the value of any part thereof recommended for resumption, and the improvements thereon.

The value for the purposes of this section shall be based on the use to which the major portion of such land has been put for the three years prior to the notification in the Gazette of the intention to direct an inquiry.

Any decision by a board under this section shall be subject to appeal to the Land Appeal Court and to reference by the Minister, as provided in the Crown Lands Acts.

If such inquiry discloses that the major portion of the land is not being used for the purposes for which it is most reasonably fitted, the Governor may resume such land at the value so determined.

The right of resumption under this section shall cease if it be not exercised within six months after the decision of the board, or, in the event of an appeal, within six months after the decision of the Land Appeal Court, or if the matter be not referred to the board, as hereinbefore provided, on the expiration of six months from the date of the notification in the Gazette of the intention to direct an inquiry.

The Minister shall have power to make a contract and do all things necessary to carry out such contract and complete such purchase.

*Where part of property is purchased or resumed.*

9. Where, in pursuance of this Act, part only of land owned and worked as one property is purchased or resumed, the board making the valuation of such part

part shall take into consideration the area thereof in relation to the residue of the property, and whether such residue will be depreciated in value by such purchase or resumption, and if so to what amount.

*Purchase or resumption of land.*

**10.** Upon payment of the purchase money to the owner the purchase or resumption of land under this Act shall be effected by notification in the Gazette, and upon such notification being made the land shall vest in His Majesty, and shall be deemed to be Crown lands as defined in the Crown Lands Consolidation Act, 1913, but reserved from sale or lease, except sale or lease under this Act. Upon production of a copy of such notification duly certified under the hand of the Minister, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if it were a memorandum of transfer duly executed under the Real Property Act, 1900.

*Lease by Minister to share-farmer.*

**11.** Any land which, under the provisions of this Act has been purchased, resumed, or leased, may be leased by the Minister in accordance with this Act for any period, not being longer than the term of the original lease, and on such terms and conditions as he may arrange.

*Conditions of share-farming leases.*

**12.** Every lease granted by the Minister shall contain provision—

- (a) for the cultivation and sowing with wheat or other approved seed or grain of such part or parts of the land as the Minister may direct, or for the carrying on of any other form of farming that may be approved by the Minister ;
- (b) for the yielding of a share of the produce of the crops or of the proceeds from the sale or use of stock or from any other form of farming approved by the Minister as aforesaid, in the proportion,

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- proportion, manner, and at the dates and times appointed for the yielding thereof to the Colonial Treasurer or any officer appointed by the Minister to receive the same ;
- (c) for the fallowing, grazing, or such other use of the lands not being cultivated, as the Minister may direct.
  - (d) for the performance of such other conditions as the Minister may consider necessary for the proper management, cultivation, occupation, use, and farming of the land, and the improvement thereof ;
  - (e) for the determination of the lease and the forfeiture of all improvements on the land and of all crops growing or garnered thereon, in the event of the breach or non-observance of any of the conditions of the lease.

*Disposal of moneys.*

**13.** All moneys received by the Minister in respect of any share-farming agreement or lease made in pursuance of this Act shall be paid to the credit of the Share-farming Fund in the Special Deposits Account at the Treasury.

Any such moneys shall be devoted to the payment for the land, provided that not more than fifty per centum thereof may, with the approval of the Minister, be advanced to the share-farmer for the purpose of effecting improvements on the land, purchasing stock or farming plant, or in payment of moneys due by the share-farmer in respect of improvements, stock, seed, or plant. Any money so advanced shall be secured by mortgage or otherwise, as the Minister may determine.

*Price of land and conditions of sale.*

**14.** Any land acquired by the Minister under this Act may be subdivided into such areas as he may consider suitable for farming and may be disposed of under the Closer Settlement Acts or the Crown Lands Consolidation Act, 1913, or any amendment of those Acts, or may be sold

sold under the provisions of this Act at such prices and on such terms and conditions as the Minister may determine and notify by publication in the Gazette or by regulation. In the setting apart of any such land, or of Crown land, or land acquired under the Closer Settlement Acts, the Minister may restrict applications therefor to bona fide share-farmers, and may allow the holder of a share-farming lease a preferential right to purchase any such land.

*Qualifications to lease or purchase land.*

**15.** Any British subject not being under the age of twenty-one years may apply in the prescribed manner to lease or purchase land under this Act, provided that no person shall be competent to apply for or hold any such lease or purchase if he is the owner of any land which, when added to the area he desires to lease or purchase, would in the opinion of the Minister substantially exceed a reasonable home-maintenance area.

Before granting a lease the Minister may require to be satisfied of the applicant's qualifications to satisfactorily occupy and develop the land, and that he is otherwise a suitable person to be granted a lease.

Any person deemed by the Minister to be so qualified may purchase land made available in pursuance of the provisions of this Act.

*Transfers and other dealings.*

**16.** Any land sold or leased to a share-farmer in pursuance of this Act shall not be transferred or conveyed without the consent of the Minister, and any such dealing made without such consent whether before or after grant shall be invalid and void: Provided that nothing in this section shall apply to transfers by way of mortgage or release of mortgage.

*Forfeiture of purchases or leases.*

**17.** Upon being satisfied that any condition, covenant, or provision attached to any purchase or lease made in pursuance of this Act has not been or is not being  
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duly performed, or that default has been made in the payment of any moneys due to the Crown in respect of such purchase or lease, the Minister may by notification in the Gazette declare such purchase or lease to be forfeited, whereupon the land and any improvements thereon, together with any moneys paid in respect of the purchase or lease, shall revert to the Crown, and the land shall be reserved from sale or lease until otherwise notified by the Minister in the Gazette.

*Crown grant.*

**18.** Upon payment of the balance of purchase money, deed fee, and stamp duty, and upon the Minister being satisfied that the conditions of the purchase have been complied with, a Crown grant shall be issued in the prescribed form.

*Lease by owner with the Minister's approval.*

**19.** In respect of any agreement that has been or may hereafter be made between the owner of land and a share-farmer for the cultivation of such land or part thereof for the growth of wheat or other seed or grain or for any other form of farming approved by the Minister, an application may be made to the Minister in the prescribed form for his approval of such agreement, and upon approval being given the owner of the land shall be given a guarantee by the Minister on behalf of the Crown of a return equal to five per centum of the capital value of the land leased under such share-farming agreement:

Provided, however, that such approval shall only be granted in respect of a lease having at least ten years to run, and where the owner agrees to sell the land at the price and upon terms and conditions approved by the Minister.

*Advances over plant.*

**20.** Notwithstanding anything contained in the Small Debts Recovery Act, 1912, or any other Act, a bill of sale or mortgage given by a share-farmer over his

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his plant, or stock, or chattel property shall take precedence and hold good as against any other claim: Provided—

- (a) that such bill of sale or mortgage is a bona fide transaction, proof of which shall be upon the share-farmer;
- (b) that the consent of the Minister to the giving of such bill of sale or mortgage has been obtained.

*Exemption from taxation.*

**21.** Any land leased to the Minister under this Act or any land leased by an owner to a share-farmer under an agreement which has been approved by the Minister shall not be liable to State taxation, nor shall the income derived from such land whilst held under such an agreement be liable to such taxation during the currency of the lease, but rates levied under the Local Government Act, 1918, shall be paid.

*Regulations.*

**22.** The Governor may make regulations for—

- (a) the proper regulation and control and review of share-farming agreements, including standard or special agreements; the settlement of disputes in the carrying out of any agreement;
- (b) the application of any section of the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, to this Act;
- (c) such other matters as in the opinion of the Governor may be necessary or expedient for the purpose of giving full effect to the provisions of this Act.

All regulations made by the Governor under any of the powers conferred by this Act shall upon being published in the Gazette be valid in law: Provided that a copy of every such regulation shall be laid before both Houses of Parliament within fourteen days after the publication thereof if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session.