

Act No. 30, 1908.

CROWN LANDS
(AMENDMENT).

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. [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.

Short title.

1. This Act shall come into force on the first day of 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.

2.

Crown Lands (Amendment).

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.

interpretation.

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 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
- (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.

(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.

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

1.

(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.

Definitions.

(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.

Determination of capital value.

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:

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.

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)

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.

Definition of
settlement lease.

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

Conditions upon
conversion.

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:—

- (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.

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—

Price of and payment for conditional purchase on conversion.

- (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.

Payment of balance of purchase money.

(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.

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 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.

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.

Conversion of non-residential conditional purchases.

Conversion of non-residential conditional purchase into original conditional purchase.

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:

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.

Payment of price.

(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.

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.

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.

(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.

(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.

Deposit to be paid

(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.

Conditions.

(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—

(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.

Price and rent.

(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.

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).

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.

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.

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—

(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.

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.

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.

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: 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)

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 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 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 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 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 Capital value, 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.

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 (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.

Conditions.

(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.

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.

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.

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.

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.

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—

- (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.

Application.

(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.

Residence.

(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, 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.

(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. 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 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.

(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. 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 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.

Transfer, &c., void.

(6) No transfer or conveyance or assignment in contravention of the provisions of this section shall be valid for any purposes whatsoever.

Application of section.

(7) 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 :

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.

Subdivision of conditional purchase.

26. Section thirty-four of the Crown Lands Act of 1895 is 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.

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.

Subdivision of homestead selections, 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 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.

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

Removal of timber from conditional purchases and homestead selections.

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.

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.

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.

Volunteer land orders.

Volunteer land order claim to grant.

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.

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.*

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.

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.

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 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.

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

Addition of remnant areas to conditional purchase or homestead selection.

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.

Addition of vacant
land to lease or
license.

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.

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.

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 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.

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 of the price of the land applied for. 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.

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. 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 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. Improvements in surrendered lands added to adjoining holdings.

Appraisalment of rent of conditional leases.

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. Appraisalment of rent of conditional 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.*

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

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."

Amendment of Acts.

Amendments
specified in Schedule.

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.

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 to be
published.

- 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.

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.

Application.

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	"Minister" is substituted for "Governor."
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."
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.
Crown Lands Act of 1889.	14	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.	18	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.	25	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.
Crown Lands Act of 1889.	26	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. 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"
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 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"
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.

Act No. 30, 1908.

*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	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.

*Pure Food.*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."