

Act No. 6, 1912.

An Act to provide for the setting apart and disposal of Crown lands as homestead farms, suburban holdings, and Crown leases, and for the disposal of lands within duly constituted irrigation areas; to amend the Crown Lands Acts, the Closer Settlement Acts, the Newcastle Pasturage Reserve Act, 1900, the Public Roads Act, 1902, and the Murrumbidgee Irrigation Act, 1910, in certain respects; and for purposes consequential thereon and incidental thereto. [2nd April, 1912.]

CROWN LANDS
(AMENDMENT).

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:—

Commencement and short title.

1. This Act shall come into force on a date to be notified by proclamation in the Gazette, and may be cited as the "Crown Lands (Amendment) Act, 1912," and shall be read and construed with the Principal Acts.

2.

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Interpretation.

2. In this Act, unless the context necessarily requires a different meaning—

“Irrigation area” means an irrigation area constituted under any Irrigation Act.

“The Trust” means the Trust constituted under any Irrigation Act.

“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.

HOMESTEAD FARMS.

Setting apart land for homestead farms.

3. The Minister may, by notification in the Gazette, set apart any Crown lands for disposal by way of homestead farm, and the provisions of section ten of the Crown Lands Act of 1895 shall apply to such notification and to the effect thereof. Land so set apart shall be dealt with as follows, that is to say:—

- (1) A subdivision thereof shall be made into farms of such areas as the Minister may determine to be home maintenance areas; but the land may be made available before the farms are measured; and in such case the farms shall be taken according to the published plan or design thereof. Any roads deemed to be necessary may be reserved or excluded in the measurement of any farm, and after measurement any necessary adjustment of area or rent shall be made: Provided also that, in cases of existing holdings, the Minister may make any minor variation of the existing design or survey of such holding to enable a better boundary to be secured for fencing or other purposes.
- (2) The capital value of each farm—for the first twenty-five years period—shall be fixed by the Minister according to the capabilities and situation of the land, the value—to an incoming tenant—of the Crown improvements and the timber on such land, and means of access thereto: Provided that if the applicant for the homestead farm is dissatisfied with such capital value he shall be entitled to have it appraised by the local land board if—within six months after the date of confirmation of his application for such farm—he lodges an application for such appraisal, and pays the fee in connection therewith as prescribed.
- (3) The Minister shall also notify in the Gazette particulars of the farms, their respective areas, capital values, and rentals, and

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and the estimated value of any improvements thereon, which do not belong to the Crown, and shall specify a date on and after which leases of the said farms may be applied for.

- (4) The Minister shall also notify in the Gazette what special conditions as to improvements, cultivation, and preservation or planting of timber, and such other matters as require to be regulated in the public interest shall be attached to the homestead farms.
- (5) Any notification under this section may be corrected, amended, modified, or revoked—whether as to the whole or any part thereof—by notice in the Gazette.
- (6) Any land set apart by the Minister under this section 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 a homestead farm shall also be subject to any reservation 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.
- (7) The value to an incoming tenant of any improvements not owned by the Crown on any such farm shall be appraised by the local land board in the prescribed manner, and such appraisement shall, as between the owner of the improvements, and any person leasing the said farm, be conclusive evidence of the value of the improvements at the date of appraisement: Provided that where an agreement as to payment for such improvements has been arrived at between the applicant and the owner, no appraisement shall be necessary. Payment for the improvements may be made within three months after determination of their value as aforesaid or—at the option of the applicant for the homestead farm—by not more than four equal yearly instalments—where the amount does not exceed forty pounds or by not more than ten equal yearly instalments where the amount exceeds forty pounds—inclusive of interest at the rate of four per centum per annum: Provided further that where the value exceeds forty pounds, the Crown upon application being made by the owner of the improvements in the prescribed form may pay such value to such owner, and thereupon the applicant for or holder of the homestead farm shall pay such amount to the Crown with interest at the rate and in the manner hereinbefore provided: Provided that no interest shall be so charged where payment is made within a period of three months.

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Who may apply.

4. On and after the date specified by the Minister in the aforesaid notification any person (including an alien) who—

- (a) does not own or hold under any tenure—other than a lease having less than five years to run (unless such lease confers a right or power to purchase the freehold which right or power may still be exercised); or
- (b) owned or held under any such tenure, and has not divested himself of the ownership thereof, or purported so to do, in order to evade the provisions of this section—

an area of land (except town or suburban land or land within population boundaries the value of which exclusive of improvements does not exceed one hundred pounds) which when added to the area of the homestead farm applied for may be held by the local land board to be substantially in excess of a home maintenance area, may—except as is hereinafter provided—apply for any block so notified as a homestead farm. Any person not so qualified shall be incompetent to apply:

Provided that any person who, by the provisions of subsection (b) hereof, is rendered incompetent to apply shall—to that extent—be deemed to be a qualified person if he obtains and lodges with his application a certificate by the Minister that the circumstances under which he divested himself of the land do not warrant his disqualification.

A person shall be disqualified from being an applicant for a homestead farm if such person is—

- (1) under the age of sixteen years, if a male; or
- (2) under the age of twenty-one years, if a female; or
- (3) subject to any legal disability other than nonage or coverture, or to any disqualification specially mentioned or provided in this Act.

A person not qualified to apply as aforesaid shall also be incompetent to hold a homestead farm:

Provided further that nothing in this section shall be construed as referring to any homestead farm devolving under the will or intestacy of a deceased holder.

Application for a homestead farm.

Making of the application.

5. The application for a homestead farm shall be made and lodged in the prescribed manner, and shall be accompanied by a survey fee or instalment thereof, according to the prescribed scale.

The applicant for a homestead farm shall, upon the day appointed, satisfy the local land board that he or she is qualified to apply, and that the application has been made in accordance with the provisions

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provisions of this Act. The local land board shall confirm the application if so satisfied, unless it permits the applicant to withdraw the same. The local land board shall disallow the application if not so satisfied, and shall have power to declare that any moneys, or any portion thereof, accompanying such application shall be forfeited to the Crown, and the same shall be forfeited accordingly.

Local land board to deal with applications.

6. Applications for homestead farms shall be dealt with by the local land board, or the chairman thereof, in the same manner as applications for conditional purchase leases. Applications, how dealt with.

Title.

7. The title to a homestead farm shall be a lease in perpetuity. Title.

Commencement of title and withdrawal.

8. The provisions as to title and withdrawal from lease or license contained in section twelve of the Crown Lands Act of 1889 shall apply to homestead farms. Commencement of title

Rent for homestead farm.

9. The annual rent for a homestead farm—to be paid half-yearly in advance—shall, for the first period of twenty-five years after the confirmation of the application therefor, be two and one-half per centum of the capital value notified in the Gazette, or the capital value as may be determined by the local land board upon application being made as provided by subsection two of section three of this Act: Provided that during the first five years of the perpetual lease of the homestead farm the lessee may, in lieu of payment of such rent, expend during each year a sum equal to the rent for such year on improving the farm, such improvements to be of a fixed, permanent, and substantial character, and in addition to those which may be otherwise required as a condition of the lease: Provided that in the event of a transfer of such homestead farm being approved by the Minister within ten years of the confirmation of the application therefor, such transferor shall, in the discretion of the Minister, pay to the Crown a sum not exceeding the amount of the rent so reserved and unpaid during the first five years of the said lease. Rent.

The annual rent for each period of twenty years after the expiration of the first twenty-five years of the perpetual lease shall be two and one-half per centum of the capital value to be determined by the

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the local land board on the same basis as the capital value was fixed in the first instance and exclusive of any improvements on the farm effected or owned by the lessee, but inclusive of any improvements owned by the Crown. The unimproved values of freehold lands of similar quality and similarly situated (if any) shall be a factor in determining such capital value.

Residence.

Residence.

10. A condition of perpetual residence on the homestead farm, by the holder thereof—to commence within six months after the confirmation of the application therefor—shall attach to every homestead farm: Provided that, upon application in the prescribed form, the local land board may permit the lessee to reside at the nearest hamlet, village, or town—not necessarily a village or town which has been proclaimed or notified as such—for the purpose only of educating his children. But such permission shall not be granted, or if granted shall not continue, and may be cancelled by the local land board, in any case where the lessee or his wife or her husband, as the case may be, carries on business in the hamlet, village, or town, or has means of livelihood—other than by manual labour—outside his homestead farm: Provided also that where such farm is difficult of access or it is otherwise undesirable that the holder or his family should be compelled to reside thereon, the board may permit the conditions of residence to be carried out anywhere within a reasonable working distance of such farm.

Issue of perpetual lease grant.

Grant of lease.

11. After the expiration of five years from the confirmation of an application for a homestead farm the Governor shall, if upon inquiry by the local land board it be found that all required conditions attaching to the homestead farm have so far been duly complied with, issue a grant of the said farm to the lessee, his representatives and assigns for ever, subject to the conditions attaching to such farm.

Conversion of holdings into homestead farms.

Conversion into homestead farms.

12. The holder of any conditional purchase, or conditional purchase and conditional lease, or homestead selection, or homestead grant, or conditional purchase lease, or settlement purchase under the Closer Settlement Acts, other than a settlement purchase acquired under the Closer Settlement Promotion Act, 1910, not liable to forfeiture may, upon application in the prescribed form, convert such holding into a homestead farm, subject to the following provisions:—

- (1) The conversion shall be subject to the approval of the Minister.
- (2)

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- (2) If the holding to be converted is the subject of a mortgage or charge, the unconditional concurrence of the person having such mortgage or charge shall appear on the application for conversion.
- (3) If a homestead grant has been issued, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application for conversion. If such application be not approved the applicant or his mortgagee shall be entitled to have the homestead grant and surrender thereof returned to him.
- (4) All moneys paid as interest on land held under conditional purchase, or settlement purchase, or as rent on land held under conditional lease, or conditional purchase lease, or homestead selection, or homestead grant, shall be taken to have been paid for the occupation or use of the land while the land was held under conditional purchase, or conditional lease, or conditional purchase lease, or homestead selection, or homestead grant, or settlement purchase; but all moneys paid by way of purchase money on land held under conditional purchase, or settlement purchase, and not applied, as in the next subsection mentioned, towards the payment of interest as aforesaid, shall be credited towards the rent of the homestead farm.
- (5) In respect of any conditional purchase or settlement purchase converted into a homestead farm, interest on the balance of purchase money owing on such conditional purchase or settlement purchase shall be paid up to the date of the approval of the application for conversion, but may be taken (wholly or in part) out of any moneys paid by way of purchase money as aforesaid. And rent up to the aforesaid date shall be paid in respect of any conditional lease or conditional purchase lease or homestead selection or homestead grant. The non-payment of such rent within the time allowed by the Minister shall render the approval of the application for conversion liable to be rescinded.
- (6) The capital value for the first twenty-five years period of the homestead farm, which shall commence from the date of approval of the application for conversion, shall be taken to be—
 - (a) in the case of a conditional purchase (whether a residential or a non-residential conditional purchase not being within a special area or a classified area) one pound per acre, unless the capital value has been determined by the land board, in which case the value so determined shall be the capital value of the homestead farm for the said period;
 - (b)

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- (b) in the case of a conditional purchase within a special area or a classified area, the price of the conditional purchase ;
- (c) in the case of a settlement purchase, the price of the settlement purchase ;
- (d) in the case of a conditional lease, the price at which it is convertible into an additional conditional purchase ;
- (e) in the case of a conditional purchase lease or a homestead selection or grant, the capital value upon which the rent thereof was payable at the date of the application for conversion ;

or, if the applicant—other than the applicant for conversion of a settlement purchase—makes request in his application for an appraisalment, and pays the prescribed fee, or at the direction of the Minister, the capital value of the whole land included in the application shall be determined by the local land board :

Provided that no appraisalment shall be made of land which has been appraised within the previous two years.

- (7) The provision as to the holder of a homestead farm being entitled to expend the rent on improving his farm during the first five years shall not apply to homestead farms which are conversions under this section where the holding so converted was a settlement purchase or had been in existence for five years—and where the holding—other than a settlement purchase—had not been in existence for five years, the benefits of the aforesaid provision shall only be availed of to the extent that the five years allowed shall be concurrent with the date of the commencement of the holding converted :

Provided further that the annual rent of a homestead farm into which a settlement purchase has been converted shall be three and a half per centum of the capital value.

SUBURBAN HOLDINGS.

Setting apart land
for suburban
holdings.

13. The Minister may, in the manner provided by section three of this Act, but subject to the provisions hereinafter contained, set apart any suburban Crown lands, or Crown land within population boundaries, or within the Newcastle pasturage reserve, or any other Crown land—for disposal by way of “suburban holding,” and the provisions of section ten of the Crown Lands Act of 1895 shall apply to such notification and to the effect thereof. Lands so set apart shall be subject to the following conditions, that is to say :—

- (1) The area of a suburban holding shall be such as the Minister may determine.

(2)

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- (2) The title to a suburban holding shall be a lease in perpetuity.
- (3) The annual rent—to be paid half-yearly in advance—shall for the first period of twenty years after the confirmation of the application for a suburban holding be two and one-half per centum of the capital value notified in the Gazette and for each period of twenty years after the expiration of the first twenty years of the holding the annual rent shall be two and one-half per centum of the capital value—exclusive of any improvements on the holding effected or owned by the holder thereof, but inclusive of any improvements owned by the Crown—to be determined by the local land board: Provided that the annual rent during any period shall not be less than one pound sterling.
- (4) It shall not be lawful for any person to acquire or hold, except as mortgagee, more than one suburban holding: Provided that the provisions of section twelve of the Crown Lands Act Amendment Act, 1903, shall, mutatis mutandis, apply to mortgagees of suburban holdings.
- (5) The value to an incoming tenant of any improvements not owned by the Crown on any suburban holding shall be appraised by the local land board in the prescribed manner, and such appraisement shall as between the owner of the improvements and any person acquiring the said holding, be conclusive evidence of the value of the improvements at the date of appraisement: Provided that where an agreement as to payment for such improvements has been arrived at between the applicant and the owner, no appraisement shall be necessary. Payment for the improvements may be made within three months after determination of their value as aforesaid, or—at the option of the applicant for the holding—where such value equals or is in excess of four pounds, and does not exceed forty pounds—by not more than four equal yearly instalments; but where the value exceeds forty pounds payment may be made by not more than ten equal yearly instalments. In either case such payments shall be inclusive of interest, at the rate of four per centum per annum: Provided further that where the value exceeds forty pounds, the Crown—upon application being made by the owner of the improvements in the prescribed form—may pay such value to such owner, and thereupon the applicant for or the holder of the holding shall pay such amount to the Crown, with interest, at the rate and in the manner hereinbefore provided: Provided that no interest shall be so charged where payment is made within a period of three months.

Who

*Crown Lands (Amendment).**Who may apply for and hold a suburban holding.*

Who may apply.

14. The mere fact that a person is an alien shall not disqualify him from applying for or holding a suburban holding. A person shall not be qualified to apply for or to hold a suburban holding who is—

- (a) the owner of any land ;
- (b) under the age of sixteen years, if a male ; or
- (c) under the age of twenty-one years if a female ; or
- (d) a married woman not living apart from her husband under a decree for judicial separation ; or
- (e) subject to any legal disability other than nonage or coverture or to any disqualification specially mentioned or provided in this Act :

Provided that nothing in this section shall be construed as referring to any suburban holding devolving under the will or intestacy of a deceased holder. Any person not disqualified by this section may apply for or hold a suburban holding.

Lodgment of applications and dealing therewith.

Making of the application.

15. The application for a suburban holding shall be made and lodged in the prescribed manner, and shall be accompanied by a half-year's rent in advance and a survey fee or instalment thereof according to the prescribed scale.

Applications shall be dealt with by the local land board or the chairman thereof in the same manner as is provided by sections five and six of this Act. And the provisions as to title and withdrawal from lease or license contained in section twelve of the Crown Lands Act of 1889 shall apply to suburban holdings.

Residence.

Residence.

16. A condition of perpetual residence on the suburban holding, by the holder thereof—to commence within six months after the confirmation of the application therefor—shall attach to every such holding.

Issue of perpetual lease grant.

Issue of grant of lease.

17. After the expiration of five years from the confirmation of an application for a suburban holding, the Governor shall, if upon inquiry by the local land board it be found that all required conditions attaching to the holding have so far been duly complied with, issue a grant of the said suburban holding to the lessee, his representatives, and assigns, for ever, subject to the conditions attaching thereto.

CROWN

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CROWN LEASE.

18. The Minister may in the manner (except as may be modified by this section) provided by section three of this Act set apart any Crown land for disposal by way of "Crown lease" either for agriculture or for grazing, or for agriculture and grazing, and the provisions of section ten of the Crown Lands Act of 1895 shall apply to such notification and to the effect thereof. Lands so set apart shall be subject to the following conditions—that is to say:—

- (1) The term of such lease shall be forty-five years.
- (2) The annual rent—to be paid half-yearly in advance—shall for the first fifteen years period of the lease be one and one quarter per centum of the capital value notified in the Gazette, or of the capital value determined by the local land board upon application being made as provided by subsection two of said section three: Provided that the annual rent for such period, or any subsequent period, shall not be less than one pound sterling.
- (3) The capital value—exclusive of any improvements effected or owned by the lessee, but inclusive of any improvements owned by the Crown—on which the annual rent at the rate of one and one quarter per centum shall be paid during each period of fifteen years succeeding the first such period of the lease—shall be separately determined by the local land board.
- (4) The rent payable for the first year of the lease shall be remitted if—in addition to any improvement or expenditure condition attached to the lease—the lessee shall during such period expend in improving the land leased a sum equal to the rent for that year.
- (5) The value to an incoming tenant of any improvements not owned by the Crown on any Crown lease shall be appraised by the local land board in the prescribed manner, and such appraisement shall, as between the owner of the improvements, and the lessee, be conclusive evidence of the value of the improvements at the date of appraisement: Provided that where an agreement as to payment for such improvements has been arrived at between the applicant and the owner, no appraisement shall be necessary. Payment for the improvements may be made within three months after determination of their value as aforesaid or—at the option of the applicant for the Crown lease—by not more than four equal yearly instalments—where the amount does not exceed forty pounds, or by not more than ten equal yearly instalments where the amount exceeds forty pounds—inclusive of interest

at

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at the rate of four per centum per annum: Provided further, that where the value exceeds forty pounds, the Crown, upon application being made by the owner of the improvements in the prescribed form, may pay such value to such owner, and thereupon the applicant for or holder of the Crown lease shall pay such amount to the Crown, with interest at the rate and in the manner hereinbefore provided: Provided that no interest shall be so charged where payment is made within a period of three months.

Application for and qualification to hold a Crown lease.

Application for
Crown leases.

19. An application for a Crown lease shall be made in the prescribed manner and shall be accompanied by a survey fee or instalment thereof according to the prescribed scale and by a half-year's rent. Only a person qualified to make an application for and to hold a homestead farm as provided by section four of this Act shall be qualified to apply for a Crown lease. And a person not so qualified shall be incompetent to hold a Crown lease. The application shall be dealt with by the local land board in the manner provided by sections five and six of this Act.

Residence on Crown lease.

Residence.

20. The lessee shall reside on the land leased during the whole term of the lease—such residence to commence within six months after the confirmation of the application for the lease: Provided that the local land board shall have the same power of permitting the lessee to reside in the nearest hamlet, village, or town for the purpose only of educating his children, or to reside within a reasonable working distance of his holding and of cancelling such permission as it possesses in respect to a homestead farm.

Conversion of Crown lease into a homestead farm.

Conversion into
homestead farm.

21. During the last five years of a Crown lease—unless the contrary be specified in the notification setting apart the land—the holder thereof may—with the approval of the Minister—convert so much thereof as will not in the opinion of the local land board exceed a home maintenance area—into a homestead farm.

Subdivision of Crown lease.

Subdivision of lease.

22. A Crown lessee may, with the approval of the Minister, subdivide his lease for the purpose of transferring portions thereof to any of his sons who are above the age of sixteen years, and otherwise qualified

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qualified to hold a Crown lease. The Minister before approving of any such subdivision shall be satisfied that it will not interfere with or prejudice the ultimate fixing of home maintenance areas in connection with the exercise of the lessee's right of conversion into a home-stead farm, or that it is not otherwise objectionable.

IRRIGATION FARMS.

23. Where public moneys have been or shall be expended for the purpose of irrigating any Crown land—however acquired or appropriated—and such land has been or shall be proclaimed an irrigation area in pursuance of the provisions of any Act, the lands within such area shall be disposed of in the following manner and—in addition to the particulars and provisions contained in the proclamation constituting the area—subject to the terms and conditions provided by this Act—that is to say:—

Subdivision,
application for, and
granting of
perpetual leases of
irrigation farms
and blocks.

- (1) A subdivision shall be made thereof into farms or blocks of such areas as may be fixed by the Trust.
- (2) Town lands, irrigable lands, and non-irrigable or dry lands, within the area shall be subdivided and dealt with as hereinafter provided.
- (3) The capital value of each farm or block shall be determined by the Trust, and in arriving at such value due regard shall be paid to the additional value given thereto by reason of and the benefits derived from the irrigation or other works constructed or to be constructed.
- (4) The Governor shall, when setting the land apart for disposal, cause a notification to be published in the Gazette and in a local newspaper giving particulars of—
 - (a) the areas, capital values, rentals, and qualities of the said farms or blocks and—
 - (b) the special conditions as to improvements, cultivation, and preservation or planting of timber and such other matters as require to be regulated in the public interest—which shall attach to the leases and also
 - (c) specifying a date on and after which leases of the said farms or blocks may be applied for.

Any notification under this section may be corrected, amended, modified, or revoked—whether as to the whole or any part thereof—by notification in the Gazette.

- (5) On and after the date so specified, any person (other than a married woman not living apart from her husband under an order for judicial separation made by a court of competent jurisdiction) of or over the age of sixteen years—or two or
more

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more such persons, jointly—may apply in the prescribed manner to the Trust for any farm or block notified as aforesaid.

The mere fact that a person is an alien, or is the holder of land, other than irrigable land, shall not disqualify him from being an applicant.

Every application for a farm or block shall be made and dealt with in the prescribed manner, and shall be accompanied by a deposit and survey fee as prescribed.

- (6) The title to a farm or block shall (except as in this Act provided), be a lease in perpetuity and the perpetual lease grant—which shall be subject to conditions attaching to the farm or block—shall contain provision for perpetual payment of rent and performance of residence as in this Act provided; and shall also contain such other provisions, covenants, and reservations as may be deemed desirable in the public interests, and shall have been duly notified when setting the land apart for disposal.
- (7) The granting of a lease of a farm or block in satisfaction of any application shall be entirely at the discretion of the trust who may give preference to any applicant or to groups of applicants, or to an applicant who does not hold any land. Where simultaneous applications are deemed to have equal claims to priority the order of priority may be determined in the manner provided by section twenty-eight of the Crown Lands Amendment Act of 1905.

Rent.

Rent of farm or block.

24. The annual rent of a farm or block—to be paid half-yearly in advance—shall, for the first period of twenty-five years after the granting of the application therefor, or such other date as may be notified to the applicant, be two and one-half per centum of the notified capital value.

The annual rental for each period of twenty years after the expiration of the first twenty-five years shall be two and one-half per centum of the capital value to be determined by the special land board on the same basis as the capital value was fixed in the first instance, and exclusive of any improvements effected or owned by the lessee.

After the expiration of five years from the granting of the application for a farm or block, if the Trust be satisfied that all required conditions for that period have been fulfilled, the Governor shall issue a grant of the farm or block to the lessee, his representatives, and assigns for ever, subject to the conditions attaching to the perpetual lease.

Residence.

*Crown Lands (Amendment).**Residence.*

25. A condition of perpetual residence by the lessee having ^{Residence.} his principal place of abode on the farm or block—such residence to commence within six months after the granting of his application—shall attach to every perpetual lease: Provided that such condition may be suspended in any case for such term and on such conditions as the circumstances may to the Trust seem warranted, and that where any farm or block is held jointly, the residence condition may, with the consent of the Trust, be performed by any one or more of such holders.

Payment for improvements.

26. The lessee shall pay the value of improvements existing ^{Improvements on land at time of setting apart.} on the farm or block as notified when setting the land apart by not more than ten equal yearly instalments, together with interest at the rate of four per centum per annum. The first of such instalments shall be tendered with the application, and subsequent instalments shall be paid on the recurring date of the granting of the application.

Town lands.

27. Town lands blocks within an irrigation area shall be dealt ^{Town land blocks.} with and disposed of by way of perpetual lease in the same manner and subject to the same terms and conditions as are provided in respect to farms of irrigable lands within the area; except that the condition of residence may—with or without conditions—be waived or suspended by the Trust.

No person shall hold or cause to be held in his interest more than three adjoining blocks for the purpose of residence, or four adjoining blocks for business purposes.

The annual rent during any period shall not be less than one pound sterling.

The lease shall be subject to such building and other conditions as the Trust may deem desirable.

Leases of non-irrigable land.

28. Non-irrigable or dry lands within an irrigation area shall ^{Leases of non-irrigable lands.} be applied for, and such applications shall be made and dealt with in the same manner as applications for irrigable lands. The lands shall be disposed of by way of lease in the following manner, that is to say:—

- (a) The lessee shall be a person qualified to apply for irrigable lands.
- (b) The lease shall be in perpetuity or for such term as may be determined by the Trust.
- (c) The lease shall contain such conditions, covenants, and reservations as the Trust may deem desirable in the public interest and as are notified when the lands are set apart.
- (d)

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- (d) The annual rental shall for the first twenty-five years be at the rate of two and one-half per centum of the capital value of the block as fixed by the Trust and duly notified in the Gazette. The annual rental for each period of twenty years, after the expiration of the first twenty-five years of the lease, shall be two and one-half per centum of the capital value to be determined by the special land board on the same basis as the capital value was fixed in the first instance, and exclusive of any improvements effected or owned by the lessee.
- (e) With the concurrence of the Trust, two or more blocks may be jointly leased for the common use and benefit of a number of lessees.

Establishment of land board district.

Special land board.

29. The Governor may, by proclamation in the Gazette, establish land districts, and may define the boundaries of any such land district as being coincident with the boundaries of any irrigation area. He may also, for the purposes of the provisions of this Act relating to holdings within an irrigation area, constitute a special land board, which shall within such district have the powers and duties of a local land board. The Trust may also delegate to such special land board any or all of its powers under the said provisions.

Forfeiture may be declared for non-fulfilment of conditions.

Forfeiture.

30. The Trust shall cause to be reported to the chairman of the special land board any non-fulfilment or breach of the conditions attached to a lease within an irrigation area, and thereupon the board shall proceed to inquire into the matter complained of. If the special land board shall report to the Trust that after due inquiry held by such board any of the conditions attached to a lease within an irrigation area have not been or are not being duly fulfilled by the lessee or his representatives, it shall be lawful for the Trust to declare by notification in the Gazette the lease, together with all improvements on the land leased, to be forfeited.

GENERAL PROVISIONS

*Relating to homestead farms, suburban holdings, Crown leases, and irrigation farms or leases.**Inquiries as to fulfilment of conditions, and forfeiture for breach thereof.*

Provisions of Crown Lands Acts applied to tenures under this Act.

31. The general provisions of the Crown Lands Acts relating to inquiries by local land boards into matters connected with the fulfilment of conditions incident to holdings thereunder, and to the forfeiture, lapsing, or voidance for any breach of conditions shall, *mutatis mutandis*, be applied to homestead farms, Crown leases, suburban holdings, and all holdings within an irrigation area.

32.

Crown Lands (Amendment).

Aliens.

32. Any alien who shall become the holder of a homestead farm, a suburban holding, or Crown lease, or a lease within an irrigation area, shall become naturalized within three years after his becoming such holder. If such person fails to become so naturalized within the period aforesaid, he shall absolutely forfeit all his interest in such holding, together with all the improvements thereon.

Alien holders to be naturalized.

Lands of husband and wife.

33. In any case where, under the provisions of this Act, it becomes a matter for determination as to what area when added to the area of land already held by any person will constitute a home maintenance area, there shall be taken into account, in addition to lands already held by such person, lands already held by such person's wife or husband, as the case may be, as if the said lands were lands held by such person: Provided that nothing herein contained shall apply to a case where husband and wife are living apart under a decree for judicial separation made by any court of competent jurisdiction.

Home maintenance area in case of husband and wife.

Tenant-right.

34. Upon the expiration of the full term of a Crown lease, or of a lease within an irrigation area, the last holder shall have tenant-right (as the same is defined by section fifty-one of the Crown Lands Act of 1895) in the improvements thereon.

Tenant right.

The holder of a lease of a homestead farm or a suburban holding or a Crown lease or of a lease within an irrigation area may, with the consent of the Minister, or of the Trust in the case of a lease within an irrigation area, surrender such lease to the Crown by an instrument in the prescribed form, and the surrenderor shall be entitled to tenant-right (as the same is defined by section fifty-one of the Crown Lands Act of 1895) in improvements other than improvements which belong to the Crown existing at the date of such surrender on the surrendered lands. The Minister, or in the case of a lease within an irrigation area the Trust, may also, upon application in the prescribed manner, by notification in the Gazette, grant such tenant-right to the last owner of any such holding which shall have been declared forfeited.

Transfer of homestead farms, Crown leases, and irrigation farms.

35. The provisions of sections twenty-four and twenty-five of the Crown Lands (Amendment) Act, 1908, are hereby extended to and shall govern all transfers and other dealings with homestead farms, Crown leases, and holdings within an irrigation area, except that in the case

Transfer of holdings.

case

Crown Lands (Amendment).

case of any dealing with a lease within an irrigation area, "the Trust" shall be substituted for the Minister: Provided that the Minister's or the Trust's, as the case may be, right to refuse consent to any such transfer or dealing shall be independent of any recommendation that may be made by a local or special land board.

Provisions made applicable to homestead farms, suburban holdings, Crown leases, and irrigation leases.

Application of provisions of Crown Lands Acts.

36. Subject to this Act, the provisions of the Acts hereinafter mentioned shall, *mutatis mutandis*, apply to homestead farms, suburban holdings, Crown leases, and leases within irrigation areas, and in so applying such provisions references therein to any tenures, or to the applicants for or holders of any tenures therein mentioned, shall be read as references to homestead farms, suburban holdings, Crown leases, and leases within irrigation areas under this Act:—

Crown Lands Act of 1884—Sections one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and thirty-five, one hundred and thirty-six, and one hundred and forty-one.

Crown Lands Act of 1889—Sections twelve, fifteen, thirty-two, forty-two, and forty-four.

The Act 55 Vic. No. 1—The whole.

Crown Lands Act of 1895—Sections twenty-three, forty, forty-two, forty-three, forty-four, forty-five, and fifty-five.

Crown Lands Act Amendment Act, 1903—Sections ten, twelve, and nineteen.

Crown Lands (Amendment) Act, 1908—Sections twenty-nine, thirty-five, and section thirty-seven so far as it relates to survey fees.

Determination of capital value of certain homestead selections which are conversions of church and school lands leases.

Determination of capital value in certain cases.

37. Where, under the Church and School Lands Act, 1897, a church and school lands lease has been converted into a homestead selection, and such homestead selection has been or shall be converted into a conditional purchase lease or a conditional purchase or a conditional purchase and conditional lease, in accordance with the provisions of section three of the Crown Lands (Amendment) Act, 1908, but at the date of application for such last mentioned conversion the capital value of the homestead selection had not or shall not have been determined, the capital value for the first fifteen years period of the conditional purchase lease or the price of the conditional purchase or any additional conditional purchase made out of the conditional

Crown Lands (Amendment).

conditional lease shall be such sum as the Minister and applicant for conversion or the holder of the land agree to, or failing such agreement within the time allowed by the Minister—not being less than two months—such sum as shall be determined by the local land board, subject to the provisions of section six of the Crown Lands Act of 1889, on reference by the Minister: Provided that the sum to be determined by the local land board shall be the capital value of the land as at the date of commencement of title to the homestead selection, exclusive of the value of any improvements owned by the applicant for conversion or the holder of the land: Provided further that the costs of determining such capital value by the local land board—not to exceed five pounds—shall be paid by such applicant or holder.

Application of Act.

38. This Act (except so far as it amends the Public Roads Act, 1902) shall apply only to the Central and Eastern Divisions of the State.

Amendment of the Public Roads Act, 1902.

39. The following amendments are made in section twelve of the Public Roads Act, 1902:—

In subsection three, paragraph (b), the word “conditional” is substituted for the word “additional.”

In subsection ten the words “including a trustee not having power to sell” are inserted next after the word “person.”

Section sixteen of the said Act is amended by adding the words “compensation shall be made in all cases for the fencing of the road resumed if the owner so claims:

“Provided that the amount of such compensation shall not exceed the reasonable cost of fencing and shall be payable only in cases where the road resumed is within a legally enclosed holding.”

Regulations.

40. The Governor may make regulations for the purpose of carrying out the provisions of this Act.