

## CROWN LANDS (AMENDMENT) ACT.

### Act No. 4, 1930.

An Act to amend the law as to the determination of capital and rental values in certain cases; and as to the conversion of prickly-pear leases and certain other holdings; to provide for the extension of the term of certain leases, and for these and other purposes to amend the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 31st March, 1930.]

George V.  
No. 4, 1930.

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

**1.** This Act may be cited as the "Crown Lands (Amendment) Act, 1930," and shall be read and construed with the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

That Act as so amended is in this Act referred to as the Principal Act.

**2.** The Principal Act is amended—

- (a) by omitting from subsection one of section one hundred and eighty-three the words "Subject, however, to the conditions following"; also paragraph (d) and paragraph (e), including the proviso thereto;

Amendment of  
Act No. 7, 1913.

Sec. 183.  
(Conversion  
of homestead  
selections or  
grants or  
homestead  
farms.)

(b)

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- (b) by inserting in subsection three of the same section after paragraph (d) the following new paragraph :—

(d) (i) The rent of the conditional purchase lease or conditional lease shall accrue as from the date or the recurring date of the application for conversion, and shall be paid as follows :—

(a) in respect of the conditional purchase lease, by half-yearly instalments in advance;

(b) in respect of the conditional lease, annually in advance.

This provision shall apply whether the conditional purchase lease or conditional lease was applied for before or after the commencement of the Crown Lands Consolidation Act, 1913.

- (c) by inserting at the end of subsection six of the same section the following new paragraph :—

This subsection shall not apply, and shall be deemed not to have applied, to a conditional lease where the rent of the homestead selection or grant or homestead farm has been determined under the provisions of section 167A of this Act. In such a case the rent of the conditional lease shall, subject to the provisions of that section, be at the same rate per acre as was payable in respect of the homestead selection or grant or homestead farm.

- (d) (i) by omitting from subsection seven of the same section the word “and” where secondly and fifthly occurring and by inserting in lieu thereof the word “or”;
- (ii) by omitting from the same subsection the words “and includes” wherever occurring;
- (iii) by omitting from the same subsection the words “held in virtue thereof” wherever occurring;
- (iv) by adding at the end of the same subsection the words :—

An application under this section shall include the original homestead selection or grant or homestead farm as the case may be and any additional homestead selection or  
grant

grant or homestead farm in virtue thereof held by the applicant at date of application, or where the applicant for conversion does not hold the original homestead selection or grant or homestead farm he shall include in his application all additional homestead selections or grants or homestead farms then held by him and which were acquired in virtue of such original holding.

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**3. The Principal Act is further amended—**

- (a) by omitting from subsection one of section one hundred and eighty-four the words “in the manner and subject to the conditions following” and by inserting in lieu thereof the words “but subject to the provisions of paragraph (b) of this subsection so that the area of the conditional lease shall not exceed three times the area of the conditional purchase.

Further amend-  
ment of Act  
No. 7, 1913.

Sec. 184.  
(Conversion  
of settlement  
leases or  
Crown-  
leases.)

The provisions following shall apply to any application:—”

- (b) by omitting from the same subsection the words “or Crown-lease” where secondly, thirdly, fourthly, and fifthly occurring;
- (c) by inserting in the same subsection before the words “exceed a home maintenance area” wherever occurring the word “substantially”;
- (d) by omitting from paragraph (a) of the same subsection the words “but so that the area of the conditional lease shall not exceed three times the area of the conditional purchase”;
- (e) by inserting in subparagraph (b) (i) of the same subsection before the words “exceed when improved as aforesaid” the word “substantially”;
- (f) by inserting in subparagraph two of paragraph (b) of the same subsection after the word “land” the words “whatever its area”;
- (g) by inserting in the proviso to paragraph (b) of the same subsection after the words “upon confirmation of the conversion” the words “of a settlement lease”;

(h)

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- (h) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

(d) If in respect of an application for conversion of a settlement lease the applicant is dissatisfied with the determination of the local land board as to the area which may be converted into a conditional purchase or additional conditional purchase, or if in respect of an application for conversion of either a settlement lease or Crown-lease the applicant is dissatisfied as to the capital value thereof, he may within three months after such determination withdraw his application for conversion upon payment of costs as assessed by the local land board ;

- (i) (i) by omitting from subsection two of the same section the word “and” where secondly and fifthly occurring and by inserting in lieu thereof the word “or” ;
- (ii) by omitting from the same subsection the words “and includes” wherever occurring ;
- (iii) by omitting from the same subsection the words “held in virtue thereof ” wherever occurring ;
- (iv) by adding at the end of the same subsection the words :—

An application under this section shall include the original settlement lease or Crown-lease as the case may be and any additional settlement lease or Crown-lease in virtue thereof held by the applicant at date of application, or where the applicant for conversion does not hold the original settlement lease or Crown-lease, he shall include in his application all additional settlement leases or Crown-leases then held by him and which were acquired in virtue of such original holding.

## 4. The Principal Act is further amended—

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- (a) by inserting at the end of subsection six of section one hundred and sixty-seven the following paragraph:—

Further amend-  
ment of Act  
No. 7, 1913.  
Sec. 167.  
(Appraise-  
ment of  
capital  
values.)

This subsection shall not apply to an application for the determination of the capital value of land of any of the tenures mentioned in subsection one of this section the application for which is confirmed or approved after the date of the commencement of the Crown Lands (Amendment) Act, 1927.

- (b) by inserting next after subsection six of the same section the following new subsection:—

6A. Subsection six of this section shall be deemed not to have applied or to apply to an application for the determination of the capital value of land of any of the tenures referred to in subsection one of this section the application for which was confirmed or approved within five years before the commencement of the Crown Lands (Amendment) Act, 1927, if the capital value thereof had not already been determined in pursuance of the provisions of this section.

An application for determination of the capital value of such land may be made within two years after the commencement of the Crown Lands (Amendment) Act, 1930, in any case where the time prescribed by subsection three of this section has expired at the date of such application; but no such application shall be entertained unless the local land board is satisfied that the holder had not applied before the date of such commencement because of the provisions of subsection six of this section.

- (c) by omitting from subsection seven of the same section the words “nor of holdings the application for which has been made but not confirmed or approved at the date of such commencement”

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commencement” and by inserting in lieu thereof the words “nor in respect of holdings the applications for which are confirmed or approved after such commencement”;

- (d) by omitting from subsection eleven of the same section the words “nor of holdings the applications for which have been made but not confirmed or approved at the date of such commencement” and by inserting in lieu thereof the words “nor in respect of holdings the applications for which are confirmed or approved after such commencement. In such cases the determination shall take effect as from the date of commencement of the holding.”

**5. The Principal Act is further amended—**

- (a) by omitting subsection three of section two hundred and seventy-three;
- (b) by omitting subsection two of section two hundred and sixty-three;
- (c) by omitting from section one hundred and twenty-two the words “as hereinbefore provided”;
- (d) (i) by omitting from section one hundred and thirty-four the words “as hereinbefore provided”;
- (ii) by inserting in the same section after the words “next year after confirmation” the words “or approval”;

**6. The Principal Act is further amended by omitting section 188A and the short heading thereto and by substituting in lieu thereof the following short heading and new section :—**

*Non-convertible conditional leases may be declared to be convertible.*

188A. (1) Where the whole or part of a conditional lease embracing land formerly comprised in a homestead selection or grant or homestead farm or Crown-lease has been determined to be non-convertible under the provisions of sections one hundred

Further amend-  
ment of Act  
No. 7, 1913.

Sec. 273.  
(Transfers, &c.,  
of homestead  
farms and  
Crown-leases.)

Sec. 263.  
(Transfer of  
settlement  
leases.)

Sec. 122.  
(Correction.)

Sec. 134.  
(Crown-  
lease.)  
(Correction.)

Further  
amendment  
of Act No.  
7, 1913.

Sec. 188A.  
(Disposal of  
small areas.)

Sec. 188A.  
Non-  
convertible  
conditional  
leases may be  
declared  
convertible.

hundred and eighty-three or one hundred and eighty-four of this Act, the Minister may on the application of the holder declare that such conditional lease shall be convertible at the price or capital value as the same may have been determined by the local land board, or if not so determined such capital value as may have been notified.

(2) Where the whole or part of a conditional lease embracing land formerly comprised in a settlement lease has been or may hereafter be determined to be non-convertible under the provisions of section one hundred and eighty-four of this Act, the Minister may on the application of the holder declare that such conditional lease shall be convertible subject to the following provisions:—

- (a) Where the local land board reports that the area of all land held by the applicant inclusive of the non-convertible area of the conditional lease does not substantially exceed a home maintenance area, the price or capital value at which the conditional lease or part thereof may be declared to be convertible shall be the price or capital value of the land as the same may have been determined or notified, or where not determined or notified, such capital value as may be determined by the local land board.

Such capital value shall be determined as at the date of the application for the settlement lease.

- (b) Where the local land board reports that the area of all land held by the applicant inclusive of the non-convertible area of the conditional lease does substantially exceed a home maintenance area, the price or capital value at which so much of the lease (as will not in conjunction with all other lands held by the applicant substantially exceed a home maintenance area) may be declared to be convertible shall be the price or capital value of the land as the same may have been

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been determined or notified, or where not determined or notified, at such capital value as may be determined by the local land board.

Such capital value shall be determined as at the date of the application for the settlement lease.

As to the remainder of the non-convertible area of the lease the price or capital value at which it may be declared to be convertible shall be determined by the local land board.

- (c) The Minister's power of declaration in respect of the whole or part of any conditional lease of the kind referred to in this subsection shall be limited to such area of the lease as the local land board reports will not with all other lands held by the applicant substantially exceed a home maintenance area: Provided that where the local land board reports that the non-convertible area of the lease would be unsuitable for disposal in any way other than to the lessee the Minister's power of declaration shall not be so limited.

Further amend-  
ment of Act  
No. 7, 1913.  
Sec. 193A.  
(Conversion of  
Prickly-pear  
leases.)

**7.** The Principal Act is further amended by inserting next after section one hundred and ninety-three the following short heading and new section:—

*Conversion of prickly-pear lease into homestead farm, Crown-lease, conditional purchase, or conditional purchase and conditional lease.*

Conversion of  
Prickly-pear  
leases.

193A. (1) Upon application as prescribed, the holder of a lease granted in pursuance of section seventeen of the Prickly-pear Act, 1924, which is not liable to forfeiture, may apply to convert such prickly-pear lease or part thereof into—

- (a) a homestead farm; or  
(b) a Crown-lease; or  
(c) a conditional purchase; or

(d)



(d) a conditional purchase and conditional lease, but so that the area of the conditional lease shall not exceed three times the area of the conditional purchase, but the area which may be allowed in satisfaction of any such application shall be confined to an area which in the opinion of the local land board would not, when improved by necessary ring-barking, suckering, scrubbing, clearing, pear destruction, and provision for water supply, and when used for the purposes for which it is reasonably fitted, substantially exceed a home maintenance area.

(2) With any such application for conversion into conditional purchase or into conditional purchase and conditional lease a provisional deposit shall be paid at the rate of one shilling per acre of the area proposed to be converted into conditional purchase as payment or part payment of a deposit of five per cent. of the capital value of the land.

(3) Where the application is for conversion into Crown-lease conversion shall not be allowed except where the local land board after due inquiry certifies that the best practicable use of the land is for grazing.

(4) The application shall be made as prescribed and the applicant shall as and when called upon pay the full cost of survey.

(5) A conversion under this section shall not take effect until confirmed by the local land board.

(6) When the application is in respect of part only of the land comprised in a prickly-pear lease the part for which the application has been confirmed shall from the date of such confirmation be deemed to be withdrawn from the prickly-pear lease, but otherwise the lease shall remain in full force and effect as to the remaining part.

(7) The capital value of a homestead farm or Crown-lease or the price of a conditional purchase under this section or the price at which the land converted into a conditional lease under this

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this section shall be convertible into an additional conditional purchase shall be the capital value of the prickly-pear lease as notified, or if not notified, as determined by the local land board upon an application for conversion under this section :

Provided always that the local land board in determining the capital value of the land shall determine the same as at the date of the application for the prickly-pear lease and irrespective of the value of any improvements owned by the applicant for conversion.

(8) The rent payable in respect of any such conditional lease shall for the first period thereof be at the same rate per acre as was payable in respect of the prickly-pear lease, and such rent shall be paid annually on the recurring date of the application for conversion.

(9) An application under this section shall not be entertained until after the expiration of two years from the issue of a certificate by the Prickly-pear Commissioner in the prescribed form that the pear clearing conditions attaching to the lease have been complied with.

No application shall be granted unless the local land board finds that the pear clearing condition has been maintained up to the date of the application for conversion.

(10) The provision contained in section one hundred and twenty-two of this Act allowing the holder of a homestead farm in lieu of paying rent to expend a sum not less than the rent in improving the farm, and the provision contained in section one hundred and thirty-four of this Act that the rent payable on a Crown-lease for the next year after confirmation shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial character, shall not apply to any homestead farm or Crown-lease into which land subject to a prickly-pear lease has been converted under this section.

(11) Subject to this section the homestead farm or Crown-lease or conditional purchase or conditional

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conditional lease shall be subject to any special conditions which may be imposed by the local land board and to the general provisions of this Act relating to the class of holding into which the prickly-pear lease is converted—except that the holding into which a prickly-pear lease has been converted under this section shall not be subject to any condition of residence, but shall be subject to the provisions of sections two hundred and seventy-two and two hundred and seventy-four of this Act.

(12) An application under this section may be withdrawn by the applicant either before or within three months after the date of the confirmation thereof by the local land board.

**8.** The Principal Act is further amended by omitting subsections two, three, and four of section forty-seven, and by inserting in lieu thereof the following new subsections:—

Further amendment of Act No. 7, 1913.

Sec. 47.

(2) The term of residence in respect of any additional conditional purchase or conditional lease shall be reduced by the period of residence performed in respect of the original conditional purchase or any additional conditional purchase or conditional lease of the same series.

(Residence.)

(3) Where an additional conditional purchase or conditional lease is held by two or more persons any residence condition attaching thereto may be fulfilled by one of such persons.

(4) (a) Conditions of residence attaching to any number of purchases or leases of the same series may be performed concurrently; and

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

**9.** (1) The Principal Act is further amended by inserting in section 64A after the word “grant” the words “and made within five years from the date of the auction sale or the approval of the Minister to the after-auction purchase.”

Further amendment of Act No. 7, 1913.

Sec. 64A.

(Restrictions in respect of auction purchases and after-auction purchases.)

(2) The amendment made by this section shall be deemed to have commenced on the first day of January, one thousand nine hundred and eighteen.

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Further amend-  
ment of Act  
No. 7, 1913.  
Sec. 78.  
(Snow leases.)

**10.** The Principal Act is further amended by omitting from the second proviso to section seventy-eight the word "one" where firstly occurring and by inserting in lieu thereof the word "two."

Further amend-  
ment of Act  
No. 7, 1913.  
Sec. 80.  
(Residential  
leases.)

**11.** The Principal Act is further amended—

- (a) (i) by inserting in subsection two of section eighty after the words "leases adjoining" the words "or adjacent to";
- (ii) by inserting in the same subsection after the words "so adjoining" the words "or adjacent";
- (iii) by inserting at the end of the same section the following new subsection:—

(4) The limitation as to area contained in the proviso to subsection two of this section shall not apply in any case where the Secretary for Mines reports that the public interest would not be prejudiced by permitting such limitations to be exceeded.

Sec. 81.  
(Purchase of  
residential  
leases.)

- (b) by inserting at the commencement of subsection four of section eighty-one the following words: "Except with the approval of the Minister and the concurrence of the Secretary for Mines."

Further amend-  
ment of Act  
No. 7, 1913.  
Sec. 194B.

**12.** The Principal Act is further amended—

- (a) by inserting next after section 194A the following short heading and new section:—

*Joint holders may apply for conversion.*

Conversion  
by joint  
holders.

**194B.** It shall be competent for two or more persons to exercise any right of conversion of a holding of the kind to which the provisions of this division refer to any other class of holding which a single holder might exercise.

Such two or more persons shall for all purposes—

- (a) of disqualification from applying;
- (b) of determining a home maintenance area;
- (c) of performance of the condition of residence,

be

be deemed to be one person, but any residence condition may be fulfilled by one of such persons ;

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- (h) by inserting next after section 136H the following short heading and new section :—

*Joint holders may apply for conversion.*

136I. It shall be competent for two or more persons to exercise any right of conversion of a conditional purchase lease under section one hundred and nine and of a homestead farm under section 123A of this Act which a single holder might exercise.

Sec. 136 (1).  
Joint holders may apply for conversion.

Such two or more persons shall for all purposes—

- (a) of disqualification from applying ;
- (b) of determining a home maintenance area ;
- (c) of performance of the condition of residence,

be deemed to be one person, but any residence condition may be fulfilled by one of such persons.

- 13.** The Principal Act is further amended by inserting at the end of section two hundred and sixteen the following new subsection :—

Further amendment of Act No. 7, 1913.

(3) Notwithstanding any of the foregoing provisions of this section where any holding under this Act upon which the Water Conservation and Irrigation Commission has put down a successful shallow bore becomes forfeited to the Crown, and the land surrounding the bore is again selected, the incoming settler shall pay to the Commission any amount which may still be outstanding in respect of such shallow bore.

Sec. 216.  
(Payment for improvements.)

Subject to this subsection payment shall be made in accordance with the regulations relating to the sinking of shallow bores made by the Commission under the Irrigation Act, 1912, and amending acts.

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The first of such payments shall be made within three months from the date of the incoming settlers occupation of the land.

For the purpose of this subsection "successful bore" means a bore which on completion has been tested by the Commission and found to yield a supply of water of at least one hundred gallons per hour, and of a quality suitable for drinking by stock, or a bore capable of use yielding any less supply of water of the same quality in which the casing has been allowed to remain at the request of the settler for whom the bore was sunk.

Further amendment of Act No. 7, 1913.  
New s. 229A.

**14.** The Principal Act is further amended by inserting next after section two hundred and twenty-nine the following short heading and new section :—

*Extension of term of scrub lease, inferior lands lease, or improvement lease infested with prickly-pear.*

Extension of certain leases.

**229A.** The Minister may upon application as prescribed made during the last five years of the lease and upon such terms and conditions as he thinks fit extend the term of any scrub lease, inferior lands lease, or improvement lease subsisting at the date of the commencement of the Crown Lands (Amendment) Act, 1930, for a term not exceeding forty years computed from the commencement of the lease, upon being satisfied that the growth of prickly-pear thereon is such that under the existing conditions of the lease the land would be unfit for settlement at the date of the termination of the subsisting lease, but no extension shall be granted unless the local land board so recommends.

The local land board shall report to the Minister whether the holder has taken reasonable measures to eradicate prickly pear on the lease.

Further amendment of Act No. 7, 1913, s. 101. (Extension of settlement leases.)

**15.** The Principal Act is further amended—

(a) by inserting at the end of section one hundred and one the following new subsections :—

(2) The Minister may upon application as prescribed made during the last five years of the lease grant to the holder of any settlement lease, the area of which in the opinion of the local

local land board does not substantially exceed a home maintenance area, an extension of the term of such lease for a period of twenty years divided into two periods of ten years. The annual rent for each such period shall be as determined by the local land board.

(3) Where in the opinion of the local land board the area embraced by the settlement lease is substantially in excess of a home maintenance area the Minister may grant a new lease of so much of the area as will not in the opinion of the local land board substantially exceed a home maintenance area.

The lease so granted shall have a term of twenty years commencing from the termination of the existing lease and shall be divided into two periods of ten years each.

The annual rent for each period shall be as determined by the local land board.

(1) Subject to the foregoing, the general provisions and conditions relating to settlement leases shall apply to settlement leases granted in pursuance of subsection three of this section.

(b) by inserting at the end of section three hundred and twenty-three the following new subsections:—

Sec. 323.  
Extension of  
settlement  
leases.

(2) Notwithstanding the foregoing provisions of this section the Minister may upon application as prescribed made during the last five years of the lease grant to the holder of any settlement lease, the area of which in the opinion of the local land board does not substantially exceed a home maintenance area, an extension of the term of such lease for a period of twenty years divided into two periods of ten years. The annual rent for each such period shall be as determined by the local land board.

(3) Where in the opinion of the local land board the area embraced by the settlement lease is substantially in excess of a home maintenance

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maintenance area the Minister may grant a new lease of so much of the area as will not in the opinion of the local land board substantially exceed a home maintenance area.

The lease so granted shall have a term of twenty years commencing from the termination of the existing lease and shall be divided into two periods of ten years each.

The annual rent for each period shall be as determined by the local land board.

(4) Subject to the foregoing the general provisions and conditions relating to settlement leases granted in pursuance of section one hundred and one of this Act shall apply to settlement leases granted in pursuance of this section.

Further amend-  
ment of Act  
No. 7, 1913.  
(Miscellaneous.)  
Sec. 52.  
(Rent of  
conditional  
lease.)

Sec. 79.  
(Inferior  
lands lease.)

Sec. 87.  
(Antecedent  
residence.)

Sec. 88.  
(Homestead  
selection.)

Sec. 103.  
(Additional  
settlement  
leases.)

Sec. 109.  
(Conversion  
of conditional  
purchase  
leases.)

**16.** The Principal Act is further amended—

- (a) by omitting from section fifty-two the words “before the recurring date” and by inserting in lieu thereof the words “on the recurring date”;
- (b) by omitting from paragraph eight of section seventy-nine the word “grant” and by inserting in lieu thereof the word “selection”;
- (c) by omitting paragraph (c) of subsection two of section eighty-seven;
- (d) by inserting at the end of paragraph three of section eighty-eight the words “subject to the provisions of section 167A hereof”;
- (e) by omitting subsection four of section one hundred and three;
- (f) (i) by omitting from subsection five of section one hundred and nine the word “and” where secondly occurring and by inserting in lieu thereof the word “or”;
- (ii) by omitting from the same subsection the words “and includes”;
- (iii) by omitting from the same subsection the words “held in virtue thereof”;

(iv)



- (iv) by inserting at the end of the same subsection the words—

An application under this section shall include the original conditional purchase lease and any additional conditional purchase lease in virtue thereof held by the applicant at the date of application, or where the applicant for conversion does not hold the original conditional purchase lease he shall include in his application all additional conditional purchase leases then held by him and which were acquired in virtue of such original holding;

- (v) by inserting at the end of paragraph (b) of subsection seven of the same section the words “such rent shall be paid annually in advance on the recurring date of the application for conversion”;
- (g) (i) by omitting from subsection two of section 118A the proviso inserted by the Crown Lands (Amendment) Act, 1919; Sec. 118A. (Additional homestead farms.)
- (ii) by inserting in subsection four of the same section after the word “confirmation” the words “or approval”;
- (iii) by omitting subsection six of the same section;
- (h) (i) by inserting at the end of subsection three of section 123A the words “The term of residence attaching to the Crown lease shall be reduced by the period during which continuous residence has been performed on the land either by the applicant or his predecessors in title”; Sec. 123A. (Conversion of homestead farms into Crown-leases.)
- (ii) by inserting at the end of the same section the following new subsection:—
- (6) The provision contained in section one hundred and thirty-four of this Act that the rent payable on a Crown-lease for the next year after confirmation shall be remitted if the lessee during such year expends a sum not less than the rent for that year in effecting on the Crown-lease improvements of a permanent, fixed, and substantial

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- substantial character shall not apply to a Crown-lease which is a conversion of a homestead farm under this section where the homestead farm so converted had been in existence one year.
- Sec. 130A.  
(Additional Crown-leases.)
- (i) (i) by omitting from subsection two of section 130A the proviso inserted by the Crown Lands (Amendment) Act, 1919;
- (ii) by omitting subsection six of the same section;
- Sec. 167A.  
(Appraisal-ment of rents.)
- (j) by inserting at the end of section 167A the following new subsections:—
- (6) Where an appraisalment of the annual rent of a holding has been made under the provisions of this section no further application thereunder to have the annual rent of the holding determined shall be entertained notwithstanding that the tenure of the holding has been converted into some other form of tenure.
- (7) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the local land board upon payment of the actual costs incurred in dealing with the application.
- Sec. 185.  
(Conditions of conversion of settlement lease or Crown-lease.)
- (k) by inserting at the end of subsection two of section one hundred and eighty-five the words “such rent shall be paid annually in advance on the recurring date of the application for conversion”;
- Sec. 186.  
(Conversion of settlement lease.)
- (l) (i) by omitting from subsection 1A of section one hundred and eighty-six the words “upon which the rent of the Crown-lease was payable at the date of the application for such conversion” and by inserting in lieu thereof the words “of the Crown-lease at the date of application for conversion”;
- (ii) by omitting from the proviso to the same subsection the words “under this section”;
- Sec. 188B.  
(Conversion of additional holdings.)
- (m) by omitting from section 188B the words “on the recommendation of the local land board, be deemed to be of the same class of tenure as the holding by virtue of which it was granted and may”;
- (n)

- (n) (i) by omitting from subsection seven of section one hundred and ninety the words "This proviso shall apply only to the original lessee of the special lease or the person entitled to a transfer of such lease, and only in respect of land which was formerly held under the conditional lease" and by inserting in lieu thereof the following words: "This proviso shall only apply to the last holder of the conditional lease or his executors or administrators or his or their assigns and only in respect of land which was formerly held under the conditional lease";
- (ii) by inserting at the end of the same subsection the following new paragraph:—
- (c) the rent of the conditional lease shall be paid annually in advance on the recurring date of the application for conversion.
- (o) (i) by omitting from the short heading to section one hundred and ninety-three the word "selection" and by inserting in lieu thereof the words "selections or grants";
- (ii) by omitting from subsection one of the same section the words "may be erected on Crown lands" and by inserting in lieu thereof the words "is on such lease or whose place of residence at the date of the application is and for a period of five years immediately prior thereto has been continuously on a holding belonging to the applicant within reasonable working distance of the land applied for, and who has been the holder of such lease for the same period";
- (iii) by omitting from the same subsection the words "the portion of the leasehold which contains such dwelling-house" and by inserting in lieu thereof the words "a portion of the leasehold";
- (iv) by inserting in paragraph (g) of subsection one of the same section after the word "thereof"

No. 4, 1930.

ec. 190.

(Conversion of special leases.)

Sec. 193.

(Conversions of leases into homestead selections or grants.)

## Crown Lands (Amendment) Act.

No. 4, 1930.

Sec. 194.  
(Conversion  
into home-  
stead farms.)

- “ thereof ” the words “ under and subject to the foregoing provisions of this section ” ;
- (p) by inserting in section one hundred and ninety-four next after subsection eight the following new subsection :—

(8A) The term of residence attaching to the homestead farm shall be reduced by the period during which continuous residence has been performed on the land either by the applicant or his predecessors in title ;

Sec. 202.  
(Road  
enclosures.)

- (q) by adding at the end of section two hundred and two the following new subsection :—

(7) Where permission has been granted to enclose a road or watercourse in accordance with this section, and the land with which the road or watercourse has been enclosed is subsequently transferred, the permission so granted shall, subject to this section, remain in full force and effect, and the holder for the time being of such land shall be liable for payment of rent in respect of such enclosure and all arrears thereof.

Sec. 241.  
(Rights of  
aliens.)

- (r) by omitting from subsection three of section two hundred and forty-one the words “ three years ” and by inserting in lieu thereof the words “ five years ” ;

Sec. 265.  
(Restrictions  
on assign-  
ments.)

- (s) (i) by inserting in the short heading to section two hundred and sixty-five after the words “ conditional purchases ” the words “ and conditional leases ” ;

(ii) by inserting in subsection one of the same section after the words “ or conditional purchase ” the words “ or conditional lease ” ;

Sec. 266.

- (t) (i) by omitting from the short heading preceding section two hundred and sixty-six the words “ six preceding sections ” and by inserting in lieu thereof the words “ eight preceding sections ” ;

(ii) by omitting from section two hundred and sixty-six the words “ last six preceding sections ” and by inserting in lieu thereof the words “ last eight preceding sections ” ;

(u)

- (u) by omitting section two hundred and sixty-eight and by inserting in lieu thereof the following new section :—

268. (1) Holders of original or additional conditional purchases, conditional leases, homestead selections or grants, settlement leases, homestead farms, Crown-leases, or conditional purchase leases may, with the approval of the Minister, given on the recommendation of the local land board, exchange their holdings, whether of the same tenure or not, or portions thereof:

Provided that—

- (a) if the Minister so directs where in any case under this section the holdings which or portions of which are concerned are not of the same tenure or if of the same tenure are subject to different conditions or restrictions, such exchange shall be of the land only and not of the land and tenure so that in every such case land exchanged for other land shall be held in the same tenure and on the same terms and subject to the same conditions as that in and those under which such other land was held at the date of the exchange; and
- (b) an exchange of portion of a holding shall not be permitted if the portions exchanged will not, in the opinion of the local land board, be within a reasonable working distance of the holdings to which they are respectively to be attached.

(2) The condition of residence attaching to any portion of a holding may be performed by residence on any holding to which such portion shall by the exchange have become attached.

(3) The provisions of this section shall also apply where the holder of any of the aforesaid holdings and the holder of freehold land desire to exchange their holdings or any part thereof.

(4)

No. 4, 1930.

Sec. 263.  
(Exchanges between private persons.)

Transfers upon exchanges between private persons.

No. 30, 1908, s. 36.

No. 4, 1930.

(4) Every exchange under this section shall be carried out by means of such transfers, surrenders, Crown grants, and other assurances and instruments as the Minister may consider necessary.

(5) Such land as the Minister may consider necessary for providing roads of access to any portion of a holding concerned in any case under this section shall be surrendered to the Crown which land shall thereupon become Crown land.

(6) Any survey which the Minister may consider necessary shall be effected by the Crown, and the costs, charges, and expenses of the Crown incurred in respect of any application under this section shall be paid by the applicants to the Crown, and the deposit and other moneys lodged in connection with any such application may be applied by the Minister towards satisfaction of such costs, charges, and expenses.

Sec. 270.  
(Transfers  
under legal  
process.)

(v) by omitting from the second paragraph of subsection one of section two hundred and seventy the words "first certificate" and by inserting in lieu thereof the words "certificate of conformity";

Sec. 312.

(w) by inserting in section three hundred and twelve before the words "before the recurring date" wherever occurring, the words "on or";

Sec. 331.  
(Special con-  
ditional pur-  
chase leases.)

(x) by inserting in section three hundred and thirty-one after the words "special conditional" the word "purchase";

Sec. 1.  
(Division into  
Parts.)

(y) (i) by inserting in section one in the matter appearing under Part IV after the words "Improvement Leases" the words "Leases of Town Lands";

(ii) by inserting in the same section in the matter appearing under Part V after the words "Conditional Purchase Leases and Conditional Purchases" the words "and Conditional Leases";

(iii)

- No. 4, 1930.
- (iii) by omitting from the same section from the matter appearing under Part V the words "Leases of Town Lands" and by omitting the figures "136" and by inserting in lieu thereof the figures and letter "136i";
  - (iv) by inserting in the same section in the matter appearing in Division 4, Part VIII, after the words "other than" the words "Homestead Farms into Crown Leases";
  - (v) by omitting from the same matter the figures "194" and by inserting in lieu thereof the figures and letter "194B";
  - (vi) by omitting from the same section in the matter appearing in Division 13 of Part VIII the figures "274" and by inserting in lieu thereof the figures and letter "274A";
  - (vii) by inserting in the heading to Part IV after the words "Improvement Leases" the words "Leases of Town Lands";
  - (viii) by inserting in the heading to Part V after the words "Conditional Purchases" where secondly occurring the words "and Conditional Leases";
  - (ix) by omitting from the same matter the words "Leases of Town Lands";
  - (x) by inserting in the heading to Division 4 of Part VIII after the words "other than" the words "Homestead Farms into Crown-leases";
  - (xi) by omitting from the heading to Division 4 of Part VIII the figures "194" and by inserting in lieu thereof the figures and letter "194B";
  - (xii) by omitting from the heading to Division 13 of Part VIII the figures "274" and by inserting in lieu thereof the figures and letter "274A."

**17.** The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed. Repeals  
Schedule.

## SCHEDULE.

No. of Act.	Short Title.	Extent of Repeal.
1916, No. 29...	Crown Lands (Amendment) Act, 1916.	So much of section 24 as amended section 47 of the Crown Lands Consolidation Act, 1913.
1916, No. 29...	Crown Lands (Amendment) Act, 1916.	So much of section 24 as amended section 268 of the Crown Lands Consolidation Act, 1913.
1917, No. 27...	Crown Lands (Amendment) Act, 1917.	<p>So much of section 4 as amended section 47 of the Crown Lands Consolidation Act, 1913--</p> <p>(i) by omitting from subsection 2(d) the words "such persons jointly perform the condition of residence" and by inserting the words "any residence condition attaching thereto may be fulfilled by one of such persons" in lieu thereof;</p> <p>(ii) by omitting from subsection 4 the word "ten" and inserting the word "five" in lieu thereof;</p> <p>(iii) by inserting in subsection 4 after the word "expires" at the end of the first paragraph the words "unless the local land board is satisfied that such transferee does not with the land transferred to him hold more than a home maintenance area."</p>

SCHEDULE



**Crown Lands (Amendment) Act.**

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SCHEDULE—*continued.*

No. 4, 1930.

No. of Act.	Short Title.	Extent of Repeal.
1917, No. 27...	Crown Lands (Amendment) Act, 1917.	So much of section 4 as amended section 184 of the Crown Lands Consolidation Act, 1913, by inserting after the words "settlement lease" wherever occurring in subsection 1, paragraphs (a), (b), (b) (i), and (b) (ii) the words "or Crown-lease."
1917, No. 27...	Crown Lands (Amendment) Act, 1917.	So much of section 4 as inserted section 188A of the Crown Lands Consolidation Act, 1913.
1917, No. 27..	Crown Lands (Amendment) Act, 1917.	So much of section 4 as amended section 273 of the Crown Lands Consolidation Act, 1913.
1919, No. 44...	Crown Lands (Amendment) Act, 1919.	So much of section 2 as amended section 118A of the Crown Lands Consolidation Act, 1913.
1919, No. 44...	Crown Lands (Amendment) Act, 1919.	So much of section 2 as amended section 130A, Crown Lands Consolidation Act, 1913.
1919, No. 44...	Crown Lands (Amendment) Act, 1919.	So much of section 2 as amended section 188A of the Crown Lands Consolidation Act, 1913.
1927, No. 16...	Crown Lands (Amendment) Act, 1927.	Subparagraph (ii) of paragraph z of section nine.

CROWN