

“before or on or after the first day of January, one thousand nine hundred and sixteen,” are repealed.

In the said paragraph, the italics to the paragraphs namely (a), (b), (c), and (d) are repealed and the italics (e), (f), (g), and (h) are inserted in lieu thereof.

In the paragraph (a), now (e), after the words “three hundred days” the words and brackets “(provided that a period of not more than fifteen years has elapsed since ceasing such employment)” are inserted.

Also, in the paragraph (b), now (f), after the words “five hundred days” the words and brackets “(provided that a period of not more than fifteen years has elapsed since ceasing such employment)” are inserted.

Amendment
of s. 18.

7. In section eighteen of the Principal Act, after the word “within” the words “or without” are inserted.

LAND, CROWN.

20 Geo. V.
No. 15.
THE
LAND ACTS
AMENDMENT
ACT OF 1929.

An Act to Amend “The Land Acts, 1910 to 1927,” to make provision for the Stabilisation of Leases of Cattle Holdings; Freeholding Tenures; Assistance and Encouragement of Ringbarking; to further Amend such Acts and other Acts in certain particulars; and for other purposes.

[ASSENTED TO 5TH DECEMBER, 1929.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—
PRELIMINARY.

Short title
and
construction
of Act.

PART I.—PRELIMINARY.

1. (1.) This Act may be cited as “*The Land Acts Amendment Act of 1929*,” and shall, so far as any amendments of or references to **The Land Acts, 1910 to 1927*” are concerned, be read as one with **The Land Acts, 1910 to 1927*,” hereinafter referred to as the

* 1 Geo. V. No. 15 and amending Acts, *supra*, page 8775 and sessional volumes; also 18 Geo. V. No. 17, *supra*, page 11949.

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*Land Acts Amendment Act.*PART I.—
PRELIMINARY.

Principal Act. The Principal Act and this Act may collectively be cited as "*The Land Acts, 1910 to 1929.*"

(2.) This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*, which date is herein referred to as the commencement of this Act. Commencement of Act.

2. This Act is divided into Parts, as follows:— Parts of Act.

PART I.—PRELIMINARY ;

PART II.—STABILISATION OF LEASES OF CATTLE HOLDINGS ;

PART III.—RIGHT OF SELECTORS OF PERPETUAL LEASE SELECTIONS AND PERPETUAL LEASE PRICKLY-PEAR SELECTIONS TO OBTAIN FREEHOLDING TITLE ;

PART IV.—RIGHT OF HOLDERS OF TOWN, SUBURBAN, OR COUNTRY PERPETUAL LEASES TO OBTAIN FREEHOLDING TITLE ;

PART V.—ENCOURAGEMENT OF RINGBARKING AND CLEARING OF USELESS VEGETATION ;

PART VI.—PROVISIONS RELATING TO THE UPPER BURNETT AND CALLIDE LAND SETTLEMENT AREA ;

PART VII.—MISCELLANEOUS AMENDMENTS OF "THE LAND ACTS, 1910 TO 1927" ;

PART VIII.—AMENDMENTS OF OTHER ACTS ;

PART IX.—GENERAL PROVISIONS.

3. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:— Definitions.

"Board"—The Land Administration Board constituted under *"*The Land Acts Amendment Act of 1927*" ; Board.

"Cattle holding"—A Pastoral Holding held under Division I. of Part III. of the Principal Act or a Grazing Selection held under Part IV. of the Principal Act, and in existence at the commencement of this Act, and in respect of which Pastoral Holding or Grazing Selection the rent was reassessed pursuant to Cattle holding.

* 18 Geo. V. No. 17, *supra*, page 11949.

the provisions of **“The Land Acts (Review of Cattle Holding Rents) Amendment Act of 1923”* or pursuant to the provisions of section thirty-four of †*“The Land Acts Amendment Act of 1927”* or of subsection four of section nineteen of ‡*“The Prickly-pear Land Acts, 1923 to 1926,”* and which Pastoral Holding or Grazing Selection is at the commencement of this Act being still mainly used for the depasturing of cattle:

Provided that the term shall not extend to and shall not include—

- (a) An occupation license; or
- (b) A holding, the term of which has already by virtue of the provisions of ‡*“The Prickly-pear Land Acts, 1923 to 1926,”* as amended by †*“The Land Acts Amendment Act of 1927,”* been extended for a period of not less than twenty years from the date of the expiration of the original lease; or
- (c) A holding situated in any Land Agent’s District or part thereof which the Governor in Council may, by Order in Council published in the *Gazette* within three months after the commencement of this Act, declare to be a district comprising lands which are likely to be required for the purposes of closer settlement.

PART II.—
STABILISATION
OF LEASES OF
CATTLE
HOLDINGS.

PART II.—STABILISATION OF LEASES OF CATTLE
HOLDINGS.

Application
to be made
by lessee.

4. (1.) The selector or lessee of any cattle holding may apply, by notice in writing under his hand or under the hand of his agent, in the prescribed form or to the like effect, to the Minister for an extension of the lease of his holding.

Time within
which
application
may be
made.

(2.) Such application shall be made within six months after the commencement of this Act, or within such further time as the Minister may in his discretion allow.

* 14 Geo. V. No. 33, *supra*, page 10598.

† 18 Geo. V. No. 17, *supra*, page 11949.

‡ 14 Geo. V. No. 34 and 17 Geo. V. No. 6, *supra*, pages 10605 and 11599.

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Land Acts Amendment Act.

PART II.—
STABILISATION
OF LEASES OF
CATTLE
HOLDINGS.

(3.) Thereupon the Minister shall refer such application to the Board for inquiry and report as hereinafter provided.

Minister
to refer
application
to Board.

5. (1.) The Board shall take into consideration the cattle holdings so referred to it, and shall proceed to make a classification of such cattle holdings. Such cattle holdings shall be divided by the Board into two classes :—

Board to
classify
cattle
holdings.

Class I.—Cattle holdings which in the opinion of the Board will not be required for the purposes of closer settlement on the expiry of the existing leases thereof ;

Class II.—Cattle holdings which in the opinion of the Board will be required for the purposes of closer settlement on the expiry of the existing leases thereof.

(2.) The Board shall, after inquiry, report its classification to the Minister, who shall take such report into consideration and may approve of such classification or may refer such classification back to the Board for further inquiry.

Board to
report to
Minister.

(3.) On approval by the Minister of such classification by the Board, the term of the lease of a cattle holding contained in Class I. of the report of the Board shall, notwithstanding anything contained in the Principal Act but subject to the conditions mentioned in subsection four hereof, be extended for a period of ten years :

Approval
by Minister.

Provided that if the term of the lease as extended is less than twenty years from the first day of January, one thousand nine hundred and thirty, a further extension shall be granted for such time as will, with the unexpired term of the existing lease, make a term of twenty years from such first day of January, one thousand nine hundred and thirty.

An endorsement of any extension granted under the provisions of this section, together with the conditions, shall be made on the instrument of lease concerned.

(4.) Save as is next hereinafter provided, any holding with a carrying capacity exceeding two thousand cattle, of which the term of the lease has been extended under the provisions of this section, shall be subject to

Improvement
conditions
applicable to
certain
holdings.

conditions (a) or (b) hereinafter mentioned, whichever of these conditions applies according to the carrying capacity of the holding concerned—

- (a) If the carrying capacity of the holding is more than two thousand cattle but less than four thousand cattle, a sum of one thousand pounds shall be expended to the satisfaction of the Minister, within five years from the commencement of this Act, on the provision of water or other improvements calculated to increase the carrying capacity of the holding ;
- (b) If the carrying capacity of the holding is not less than four thousand cattle, the sum of two thousand pounds shall be expended to the satisfaction of the Minister, within five years from the commencement of this Act, on the provision of water or other improvements calculated to increase the carrying capacity of the holding :

Provided that if the Board certifies that the holding concerned is already adequately improved or that, having regard to the productive capacity of the land, the making of further improvements is not economically justified, the conditions aforesaid shall not apply.

The Board shall determine any question of carrying capacity which needs determination under this section.

No extension of lease where holding required for closer settlement.

(5.) In respect of the cattle holdings contained in Class II. of the report of the Board as aforesaid, no extension of the leases shall be granted.

Special cases not covered by s. 4.

6. (1.) Any selector of a Grazing Selection or lessee of a Pastoral Holding which is in existence at the commencement of this Act and which is used mainly for the depasturing of cattle, but which holding does not come within the definition of "cattle holding" in section three of this Act, may submit to the Minister an application for an extension of the lease of his holding on the ground that the unexpired part of the term of his lease is not of sufficient length to permit him to recoup any financial losses incurred in the working of the holding by reason of the recent drought or the unduly low prices realised for his cattle.

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Land Acts Amendment Act.

PART II.—
STABILISATION
OF LEASES OF
CATTLE
HOLDINGS.

(2.) Such application shall be made within six months after the commencement of this Act, or within such further time as the Minister may in his discretion allow, and shall set forth by affidavit the grounds on which such application is based.

Time within which application may be made.

(3.) Thereupon the Minister shall refer such application to the Board for inquiry and recommendation.

Minister to refer application to Board.

(4.) The Board shall duly make such inquiry, and for the purposes of such inquiry the provisions of subsection five of section four of **The Land Acts Amendment Act of 1927* shall apply.

Powers of Board.

For the purposes of this subsection the Board, if it considers it necessary or desirable for the purposes of such inquiry so to do, may, notwithstanding anything in †*The Income Tax Act of 1924* to the contrary, have access to the income tax returns of any selector or lessee making application under this section, and the Commissioner of Taxes shall make such returns available to the Board accordingly. Moreover, the Board shall preserve and aid in preserving secrecy with regard to any such matter that may come to its knowledge in its official capacity in accordance with the provisions herein contained, and shall not communicate any such matter to any other person except in the performance of its duties under this Act.

(5.) The Board shall at the conclusion of the inquiry forward to the Minister a recommendation in respect of the application concerned, and in particular shall report whether the holding will in the opinion of the Board be required for the purposes of closer settlement on the expiration of the existing lease thereof.

Board to forward recommendation.

(6.) The Minister shall consider such recommendation, and may approve of such recommendation or may refer such recommendation back to the Board for further inquiry, or may disapprove of such recommendation either generally or in any particular case or cases.

Approval by Minister.

On approval by the Minister of a recommendation by the Board that the term of lease of the holding be extended, the term shall, notwithstanding anything contained in the Principal Act, be extended accordingly for such time and subject to such conditions as may be recommended by the Board.

* 18 Geo. V. No. 17, *supra*, page 11949.

† 15 Geo. V. No. 34, *supra*, page 10945.

An endorsement of any extension granted under the provisions of this section, together with the conditions, shall be made on the instrument of lease concerned :

Provided, however, that no extension of lease granted under the provisions of this section shall be for a longer time than ten years ; and no extension of lease shall be granted in respect of any holding which in the opinion of the Board will be required for closer settlement on the expiration of the existing lease thereof.

Assessment
periods.

7. Any extension of lease granted under this Part of this Act shall for the purposes of reassessment be deemed to have always formed part of the original term of the lease.

No right
of claim.

8. Nothing in this Part of this Act shall confer upon any selector or lessee a right to claim any extension of the term of the lease of his holding.

Resump-
tions
from
holdings
mainly used
for the
depasturing
of cattle.

9. Notwithstanding anything contained in the Principal Act, any resumption rights which are at present exercisable by the Crown under section one hundred and forty-six of the Principal Act or which may in future accrue under such section in respect of any Pastoral Holding mainly used for the depasturing of cattle, whether or not the lease thereof has been extended pursuant to the provisions of this Act shall be suspended and not exercised for a period of ten years from the commencement of this Act, unless at any time the Board certifies that—

- (a) The portion of the Pastoral Holding concerned is required for closer settlement purposes and that the interests of the State will be adversely affected if such resumption is not made ; and
- (b) The making of a resumption from such Pastoral Holding will result in a material increase in the development of the portion resumed, with concomitant increased production therefrom.

Effect of
certificate
of Board
under
preceding
section.

10. On the issue by the Board of a certificate in terms of the preceding section, any rights of resumption then accrued in respect of the holding to which such certificate refers shall be exercisable forthwith in accordance with the provisions of the Principal Act.

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PART III.—
RIGHT OF
SELECTORS OF
PERPETUAL
LEASE
SELECTIONS
AND
PERPETUAL
LEASE
PRICKLY-PEAR
SELECTIONS TO
OBTAIN FREE-
HOLDING
TITLE.

PART III.—RIGHT OF SELECTORS OF PERPETUAL LEASE SELECTIONS AND PERPETUAL LEASE PRICKLY-PEAR SELECTIONS TO OBTAIN FREEHOLDING TITLE.

Application for Conversion of Tenure.

11. (1.) Any selector of a Perpetual Lease Selection or of a Perpetual Lease Prickly-pear Selection may give notice to the Minister that he elects to have the tenure of his holding converted to that of an Agricultural Farm or a Prickly-pear Selection, as the case may be.

Notices of election.

(2.) Such notice of election shall be given within six months after the commencement of this Act or within such further time as the Minister may in his discretion allow.

Time for giving notice.

(3.) Upon the surrender of the subsisting license or lease, the selector shall be entitled to a new license or lease of the land as an Agricultural Farm or as a Prickly-pear Selection, as the case may be, subject to the terms and conditions hereinafter provided.

Issue of new license or lease.

Terms and Conditions of New Lease.

(4.) (a) The purchasing price under the new tenure shall be the same amount as the capital value of the land under the surrendered license or lease.

Purchasing price.

(b) The terms and conditions of the new tenure shall be such as are provided by this Act and by the Principal Act with respect to the mode of selection for which the new license or lease has been granted.

Provisions of Principal Act apply to new tenure.

(c) The term of the new lease shall commence on the quarter day following the registration of the surrender of the old license or lease.

Term of new lease.

(d) Except in respect of the unexpired part of the year during which the surrender of the subsisting license or lease is made, no sums paid as rent under the surrendered tenure shall be credited to the new tenure.

No credit for past payments.

(e) In the case of a surrendered license or lease which was subject to a condition of personal residence, it shall be a condition of the new license or lease that, until the expiration of the period during which the condition of personal residence was obligatory, such obligation shall continue in force.

Condition of personal residence.

PART III.—
RIGHT OF
SELECTORS OF
PERPETUAL
LEASE
SELECTIONS
AND
PERPETUAL
LEASE
PRICKLY-PEAR
SELECTIONS TO
OBTAIN FREE-
HOLDING
TITLE.

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(f) In the case of prickly-pear land, the period to be allowed for the clearing of prickly-pear under the new tenure shall be such as is fixed by the Prickly-pear Land Commission.

Application
for review
of value.

(5.) (a) Notwithstanding the provisions of paragraph (a) of subsection four of this section, if the selector, at the same time as he lodges his notice of election, produces evidence that the existing capital value of his selection is greater than the present unimproved value of the land, he may at that time make application to the Minister on the prescribed form for a review of such value.

Grounds of
application.

(b) Such evidence shall be in the form of a statutory declaration or an affidavit setting out fully the facts on which the selector relies to support his contention that the existing capital value of the land is too high.

(c) No application for review shall be considered that is not accompanied by evidence as aforesaid.

Reference
to Court or
Commission.

(d) The Minister in his discretion may refer the application and accompanying declaration or affidavit to the Court or, in the case of prickly-pear land, to the Prickly-pear Land Commission, with a request that the unimproved value of the land referred to be determined.

Determina-
tion of
value.

(e) The Court or the Commission (as the case may be) shall thereupon determine the unimproved value of the land as at the date of the application for review of such value. In such determination the Court or Commission (as the case may be) shall have regard to the unimproved value of land of similar quality in the same neighbourhood, and may determine the value at the same amount as the present capital value of the land or at any amount higher or lower than such capital value.

The value as so determined shall become the purchasing price of the land under the new tenure.

PART IV.—
RIGHT OF
HOLDERS OF
TOWN,
SUBURBAN, OR
COUNTRY
PERPETUAL
LEASES TO
OBTAIN FREE-
HOLDING
TITLE.

PART IV.—RIGHT OF HOLDERS OF TOWN, SUBURBAN OR COUNTRY PERPETUAL LEASES TO OBTAIN FREE-HOLDING TITLE.

Application by Lessees.

Notice to be
given by
lessee.

12. (1.) Any lessee of a Perpetual Town Lease, Perpetual Suburban Lease, or Perpetual Country Lease, acquired and held under the provisions of section one

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Land Acts Amendment Act.

PART IV.—
RIGHT OF
HOLDERS OF
TOWN,
SUBURBAN, OR
COUNTRY
PERPETUAL
LEASES TO
OBTAIN FREE-
HOLDING
TITLE.

hundred and twenty-one, section one hundred and seventy-five, or section one hundred and seventy-six of the Principal Act, section five of **“The Closer Settlement Act Amendment Act of 1917,”* or of section six of †*“The Discharged Soldiers’ Settlement Act of 1917,”* may give notice to the Minister that he desires his lease to be deemed a lease for a term of ten years, including a covenant entitling the lessee to a deed of grant in fee simple.

(2.) Such notice shall be given within six months after the commencement of this Act or within such further time as the Minister may in his discretion allow.

Time for giving notice.

(3.) Upon receipt of a notice as aforesaid, the subsisting lease shall be deemed to be a lease of the land therein referred to for a term of ten years from the quarter day following the receipt of the notice, subject to the provisions hereinafter mentioned.

Effect of notice.

(4.) An endorsement in terms of subsection three hereof shall be made on the instrument of lease concerned, which shall remain in force, together with all encumbrances thereon, subject to the terms and conditions imposed by this section, until the issue of a deed of grant of the land.

Instrument of lease, with encumbrances, to remain in force.

(5.) Every such lease shall be deemed to include a covenant entitling the lessee to a deed of grant in fee simple upon payment of all moneys due (including any balance unpaid on account of survey fee) and upon performance of all the conditions of the lease as modified by this Act.

Lease to include covenant entitling lessee to deed of grant.

Purchase Price and Conditions of Purchase.

(6.) (a) The purchase price of the land shall be the same amount as the capital value of the land under the perpetual lease.

Purchase price.

(b) Except as modified by this Act, the provisions of section one hundred and twenty of the Principal Act shall apply to land dealt with under this section.

Provisions of Principal Act apply.

(c) The lessee shall lodge with his notice an amount equal to one-tenth of the capital value of the land under the perpetual lease. The balance of the purchase price

Payments.

* 8 Geo. V. No. 10, *supra*, page 8901.

† 7 Geo. V. No. 32, *supra*, page 9453.

PART IV.—
RIGHT OF
HOLDERS OF
TOWN,
SUBURBAN, OR
COUNTRY
PERPETUAL
LEASES TO
OBTAIN FREE-
HOLDING
TITLE.

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shall be paid in ten equal annual instalments, and all deferred instalments shall bear interest at the rate of five pounds per centum per annum from the commencement of the lease.

No credit for
past
payments.

(d) Except in respect of any over-payment of rent under the subsisting lease, calculated to the date of commencement of the new term of ten years, no sums paid as rent under the previous tenure shall be credited to the purchase price of the land.

Application
for review of
value.

(7.) (a) Notwithstanding the provisions of paragraph (a) of subsection six of this section, if the lessee at the same time as he lodges his notice produces evidence that the existing capital value is greater than the present unimproved value of the land, he may at that time make application to the Minister on the prescribed form for a review of such value.

Grounds of
application.

(b) Such evidence shall be in the form of a statutory declaration or an affidavit setting out fully the facts on which the lessee relies to support his contention that the existing capital value of the land is too high.

(c) No application for review shall be considered that is not accompanied by evidence as aforesaid.

Reference to
Court.

(d) The Minister in his discretion may refer the application and accompanying declaration or affidavit to the Court with a request that the unimproved value of the land referred to be determined.

Determina-
tion of value.

(e) The Court shall thereupon determine the unimproved value of the land as at the date of the application for review of such value. In such determination the Court shall have regard to the unimproved value of land of similar quality in the same neighbourhood, and may determine the value at the same amount as the present capital value of the land or at any amount higher or lower than such capital value.

The value as so determined shall become the purchase price of the land, and any necessary adjustment in regard to the amount paid as deposit shall forthwith be made.

Existing
mortgages
and
subleases
not to be
extinguished.

(8.) Notwithstanding anything contained in any Act to the contrary, when any lease dealt with under this section is charged or made security for the payment of any sum of money by the registration of a memorandum of mortgage or charge, or is subject to a sublease registered in the books of the Department of Public

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PART IV.—
RIGHT OF
HOLDERS OF
TOWN,
SUBURBAN,
OR COUNTRY
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LEASES TO
OBTAIN
FREEHOLD-
ING TITLE.

Lands, such memorandum of mortgage or charge or sublease shall not be extinguished by any action under the terms of this section, and as between the parties to the said memorandum of mortgage or charge or sublease and all other persons such memorandum of mortgage or charge or sublease shall be and remain good and effective, and shall have the same force and effect as if the terms and conditions of the original lease had remained unaltered.

For the purposes of this subsection all the provisions of the Principal Act relating to mortgages and subleases on holdings shall, *mutatis mutandis*, apply.

PART V.—ENCOURAGEMENT OF RINGBARKING AND CLEARING OF USELESS VEGETATION.

PART V.—
ENCOURAGE-
MENT OF
RINGBARKING
AND CLEARING
OF USELESS
VEGETATION.

13. For the purpose of giving encouragement to the ringbarking of timber and the clearing of useless vegetation on lands held under lease or license from the Crown, with the object of increasing the productive capacity of the lands, the following provisions shall have effect, notwithstanding anything in any other Act to the contrary :—

Rent and Priority Right not affected.

In the case of any holding in respect of which a permit as prescribed by regulations under this Act has been issued by a Commissioner, and in respect of which there has been effected in pursuance of such permit any ringbarking or clearing of undergrowth and useless vegetation or any development work in the nature of clearing which has the effect of improving the carrying capacity of the holding, regard shall not be had to the effect of such ringbarking or other work authorised by such permit during a period of twenty-five years from the date of the permit—

- (a) In determining the rent of the land comprised in such holding or of any part thereof which, on the termination or surrender of the original lease, may continue to be held by the same lessee or his successors in title, and whether such determination is for the first or any subsequent period of the term of the lease ;
- (b) In determining the area in respect of which the late lessee of a Pastoral Holding or Grazing Selection, the lease of which has

Rent not affected by ringbarking.

Priority right not affected.

expired, will have priority of application in terms of section seventy-two of the Principal Act, or in determining the area in respect of which a new lease is to be granted to the holder of a Grazing Selection the lease of which has been surrendered under the provisions of section three of **The Land Acts Amendment Act of 1927.*"

The provisions of this section shall not apply to any ringbarking or other development work which has been effected in return for an extension of the term of the lease of a holding or other concessions granted under the provisions of section fourteen of **The Land Acts Amendment Act of 1927*" or in pursuance of the requirements of the notification opening land for Pastoral Development Lease in accordance with section sixteen of that Act or of any notification opening land for selection or lease under the provisions of the Principal Act.

Loans for Ringbarking Purposes.

Authority of
Minister to
make
advances for
ringbarking.

14. (1.) (a) For the purpose of rendering assistance to the lessee or licensee of a holding who is desirous of entering upon ringbarking operations or the clearing of undergrowth and useless vegetation, it shall be lawful for the Minister, on behalf of the Crown and on the recommendation of the Board, to advance moneys by way of loan to such lessee or licensee.

(b) For the better securing of such moneys so advanced the borrower shall execute a mortgage as hereinafter provided, or as may be prescribed, to secure the repayment of the amount so advanced.

(c) Subject as herein provided, such mortgage shall secure the repayment to the Minister on behalf of His Majesty of the amount so advanced, together with interest thereon as may be prescribed, within a period not exceeding twelve years, as and according to the scale prescribed.

The term of any advance shall not exceed the period for which the lease of the holding is to run at the date of the advance if such period is less than twelve years.

* 18 Geo V. No. 17, *supra*, page 11949.

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PART V.—
ENCOURAGE-
MENT OF
RINGBARKING
AND CLEARING
OF USELESS
VEGETATION.

(d) For the period of two years following the date on which the advance or first instalment thereof is made, interest only on the amount advanced at the prescribed rate shall be paid by half-yearly instalments, and after the expiration of the said period of two years the amount advanced, with interest as aforesaid, shall be repaid by the payment by half-yearly instalments in each year during each of the remaining years of the term of the advance of such amount as will permit the advance, with interest as aforesaid, to be wholly repaid during the term of the advance.

(e) It shall be a condition of any such advance that payment thereof to the lessee or licensee concerned shall be made by instalments at such times as may be prescribed or as may be fixed by the Board.

(f) No application for an advance in respect of ringbarking, clearing of undergrowth and useless vegetation, or any development work in the nature of clearing which has the effect of improving the carrying capacity of the holding shall be entertained unless and until a permit in respect of such ringbarking, clearing, or other such work has been obtained by the lessee or licensee concerned in the manner prescribed.

(2.) Every mortgage executed under the provisions of this Part of this Act shall be in duplicate, and the original thereof shall be registered and recorded in the Department of Public Lands, and the production of such mortgage, certified by the Minister or any person authorised by him, shall be sufficient authority for the registration thereof:

Registration
of mortgage.

Provided that, upon payment of all moneys owing upon the security thereof, the Minister shall give to the mortgagor a certificate stating that the mortgage is redeemed, and upon production of such certificate an entry shall be made in the register book in which the mortgage is recorded, noting that the same has been redeemed, and the mortgage shall be cancelled, and thereupon the estate or interest thereby mortgaged shall cease to be subject to such mortgage:

And provided further that no stamp duty or fees shall be payable upon the execution, registration, or cancellation of any such mortgage, any statute or regulation to the contrary notwithstanding.

PART V.—
ENCOURAGE-
MENT OF
RINGBARKING
AND CLEARING
OF USELESS
VEGETATION.
Priority of
mortgage.

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(3.) Notwithstanding the provisions of section one hundred and fifty-six of the Principal Act, if any holding intended to be mortgaged under the provisions of this Act is subject to any existing mortgage or encumbrance, and the existing mortgagee or encumbrancee shall, by writing endorsed on the instrument evidencing the same, consent to such intended mortgage taking priority over such existing mortgage or encumbrance, such intended mortgage shall, when executed, and without any release or re-execution of the existing mortgage or encumbrance, take priority over the same, and particulars of such priority shall be noted in the register book.

Conse-
quences of
default in
payments.

(4.) If the lessee or licensee of a holding makes default in respect of any payment secured by any mortgage thereon executed under the provisions of this section, interest shall be charged on such amount at the rate of ten pounds per centum per annum from the date appointed for the payment thereof until the same is paid. If, however, the whole of such amount together with such interest is not paid within ninety days from the appointed day, such license or lease shall be liable to forfeiture, and all the rights of the borrower therein may, without any further notice or process, be forfeited by the Minister accordingly :

Provided that, notwithstanding such forfeiture, the Minister may waive the same and reinstate the lessee or licensee upon payment of the outstanding dues and any accrued interest at the date of the forfeiture.

Application
of provisions
to freehold
land.

15. The Governor in Council may by Order in Council extend and apply the provisions of this Part of this Act, so far as they may be deemed applicable, to land held in fee simple.

Regulations.

16. Regulations may be made to give full effect to the objects and purposes of this Part of this Act. Without limiting the operations of this section, such regulations may prescribe the form of mortgage, the terms, conditions of advances and repayments, provision for any further security for advances, and, where there may be in this section no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect thereto, providing for and supplying such omission or insufficiency.

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PART VI.—
PROVISIONS
RELATING TO
THE UPPER
BURNETT AND
CALLIDE LAND
SETTLEMENT
AREA.

PART VI.—PROVISIONS RELATING TO THE UPPER
BURNETT AND CALLIDE LAND SETTLEMENT AREA.

Acquirement of Additional Areas.

17. (1.) Notwithstanding anything contained in any Act to the contrary, any selector or allottee of a portion to which the provisions of **“The Upper Burnett and Callide Land Settlement Act of 1923”* apply, who claims that his portion is less than a living area, may make application to have his area increased so that he may hold a reasonable living area.

Application
for
additional
area.

Any such application may be for the acquirement of additional land—

- (a) By purchase of the whole or part of another selection in the vicinity; or
- (b) By the allotment of an area of vacant Crown land.

(2.) (a) Any such application shall be made to the Commissioner within one month from the commencement of this Act, or within such further time as the Minister may in his discretion allow.

Time for
making
application.

(b) The application shall set forth particulars of the area at present held and of the area that is desired as an additional area, and shall state the facts on which the applicant relies to support his claim for an additional area.

Require-
ments of
application.

(3.) (a) All such applications shall be considered by the Commissioner in open court after at least fourteen days' notice in writing has been given to each of the interested parties. After such inquiry as he may deem necessary in the matter the Commissioner shall furnish a recommendation to the Board as to the particular area or areas which the applicant should have allotted to him or which he should be allowed to acquire.

Consider-
ation by
Commis-
sioner.

(b) As soon as may be after the hearing, the Commissioner shall announce the terms of the recommendation which he is submitting to the Board.

Terms of
recommen-
dation to be
announced.

(4.) (a) Upon receipt of the Commissioner's recommendation, the Board shall consider the matter and may approve of the recommendation or refuse or vary the

Consider-
ation by
Board.

* 14 Geo. V. No. 14, *supra*, page 10639.

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recommendation: Provided that the Board shall not refuse or vary the recommendation of the Commissioner without giving notice to the applicant concerned and hearing such applicant if he desires to be heard.

Notice to
Board by
dissatisfied
applicants.

(b) Any applicant who is dissatisfied with the Commissioner's recommendation may, within fourteen days of the announcement of such recommendation by the Commissioner, give notice to the Board that he objects to the recommendation. Upon receipt of such notice the Board shall not approve of the recommendation without giving notice to and hearing such dissatisfied applicant if he desires to be heard.

Additional
area becomes
part of
original
selection.

(5.) Any area allowed to be acquired as aforesaid or allotted as an additional area in accordance with the decision of the Board shall be added to the original selection, and shall to all intents and purposes be and be deemed to be a part of such selection.

Transfer of
adjacent
selections.

(6.) Nothing contained in section eighty-six of the Principal Act shall prevent the transfer of the whole or part of a selection for the purposes of this section.

Board's
decision
final.

(7.) It is hereby declared that the decision of the Board in respect of any application under this section shall be final and conclusive and shall not be subject to appeal.

Saving of
provisions of
Upper
Burnett, &c.,
Act of 1923.

(8.) Except as is herein otherwise provided, all the provisions of **"The Upper Burnett and Callide Land Settlement Act of 1923"* and of the Principal Act shall so far as applicable apply and be observed in regard to land dealt with under this section.

No right to
claim
additional
area
conferred.

(9.) Nothing in this section shall confer upon any lessee a right to claim the grant of an additional area.

Priority of
allotment
in certain
cases.

18. Notwithstanding anything contained in any Act to the contrary, any selector who disposes of his selection in order to provide an additional area or additional areas for other selectors or allottees as provided in the preceding section shall be entitled to be allotted by the Board, in priority to other applicants, a portion or portions within the area delineated on the map in the Schedule to **"The Upper Burnett and Callide Land Settlement Act of 1923"* which may be available and which in the opinion of the Board constitutes a reasonable living area.

* 14 Geo. V. No. 14, *supra*, page 10639.

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*Land Acts Amendment Act.*PART VI.—
PROVISIONS
RELATING TO
THE UPPER
BURNETT AND
CALLIDE LAND
SETTLEMENT
AREA*Review of Capital Values and Rents.*

19. (1.) Notwithstanding anything contained in any Act to the contrary, any lessee or licensee of a selection to which the provisions of **“The Upper Burnett and Callide Land Settlement Act of 1923”* apply, who considers that the capital value or rental of his holding is excessive, may make application to the Minister on the prescribed form for a review of such capital value or rent.

Applications
by selectors.

(2.) Such application shall be made within six months after the commencement of this Act or within such further time as the Minister in his discretion may allow.

Time for
making
application.

(3.) The Minister shall thereupon refer such application to the Board for inquiry and recommendation. The Board shall make such inquiry into the matter as it deems fit and shall recommend to the Minister the capital value or rent that should be charged for the selection in question.

Reference to
Board.

(4.) The Minister shall consider such recommendation and may approve of such recommendation or may refer such recommendation back to the Board for further inquiry.

Approval by
Minister.

(5.) Upon the approval by the Minister of the recommendation, the capital value or rent of the selection shall be such sum as is recommended by the Board. The rent as reviewed shall be the rent payable during the first period of the existing lease and shall be retrospective to the date of the commencement of the lease. The capital value as redetermined shall be deemed to have been the capital value as from the commencement of the lease.

Retrospec-
tive
operation.

(6.) Any excess of payment by the selector by reason of a review of capital value or rent in terms of this section shall be credited to him in payment of rent which may subsequently become due in respect of the holding.

Excess
of payments
credited.

(7.) Any such review and redetermination by the Minister, on the recommendation of the Board, shall be final and conclusive and shall not be subject to appeal.

Conversion to Agricultural Farm Tenure.

Notice of
election.

20. (1.) Any selector of a Perpetual Lease Selection to which the provisions of **"The Upper Burnett and Callide Land Settlement Act of 1923"* apply may give notice to the Minister that he elects to surrender his license or lease with a view to obtaining in substitution therefor a license or lease of the land as an Agricultural Farm.

Time for
giving
notice.

(2.) Such notice of election shall be given within six months after the commencement of this Act or within one month after the redetermination of the capital value of the selection in accordance with the provisions of the preceding section, whichever is the longer period.

Purchasing
price under
new lease.

(3.) Upon the surrender of the subsisting license or lease, the selector shall be entitled to a new license or lease of the land as an Agricultural Farm subject to the provisions of **"The Upper Burnett and Callide Land Settlement Act of 1923"* at a purchasing price of the same amount as the existing capital value of the land or such capital value as may be redetermined in accordance with the provisions of the preceding section.

(4.) Thereupon the provisions of paragraphs (b) to (e) of subsection four of section eleven of this Act shall apply with respect to the new license or lease: Provided that any sum credited to the selector at the date of surrender of the old license or lease by reason of the capital value having been redetermined under the provisions of section nineteen of this Act shall be applied in payment of rent which may subsequently become due in respect of the new tenure.

Review of Water Facility Costs.

Application
for review by
selector.

21. (1.) Notwithstanding anything contained in any Act to the contrary, and notwithstanding the existence of any mortgage, any lessee or licensee of a selection to which the provisions of **"The Upper Burnett and Callide Land Settlement Act of 1923"* apply, who considers that the cost of a water facility for which he is responsible in terms of that Act is excessive and has the effect of over-capitalising his selection, may make application to the Minister on the prescribed form for a review of the capitalisation cost of such water facility.

* 14 Geo. V. No. 14, *supra*, page 10639.

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RELATING TO
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AREA.

(2.) Such application shall be made within one month after the commencement of this Act or within such further time as the Minister in his discretion may allow.

Time for making application.

(3.) The Minister shall thereupon refer such application to the Board for inquiry and recommendation. The Board shall make such inquiry into the matter as it deems fit, and shall recommend to the Minister the amount which should be regarded as a fair capital value of the water facility, having regard to all the circumstances of the case.

Reference to Board.

(4.) The Minister shall consider such recommendation and may approve of such recommendation, or may refer such recommendation back to the Board for further inquiry.

Consideration by Minister.

(5.) Upon the approval by the Minister of the recommendation, the capital value of the water facility shall be such sum as is recommended by the Board and a fresh mortgage shall be entered into accordingly.

Capital value of water facility.

(6.) Upon the execution of a fresh mortgage by the selector for the value of the water facility as redetermined, the existing mortgage shall be cancelled. The terms of the fresh mortgage shall provide for the repayment of the sum secured, together with interest thereon, on such terms as would have been imposed if the value as redetermined had been the original cost of the water facility.

Terms of fresh mortgage.

(7.) Any excess of payment by the selector by reason of the capital value of the water facility having been redetermined under the provisions of this section shall be applied in payment of interest and redemption which may become due under the terms of the fresh mortgage.

Excess payments under former mortgage.

(8.) Except as modified by the provisions of this Act, all the provisions of **"The Upper Burnett and Callide Land Settlement Act of 1923"* as to forfeiture for failure to pay any dues shall have full force and effect.

Forfeiture provisions.

(9.) Any redetermination of the capital value of a water facility in terms of this section shall be final and conclusive and shall not be subject to appeal.

Redetermination not subject to appeal.

* 14 Geo. V. No. 14, *supra*, page 10639.

PART VI.—
PROVISIONS
RELATING TO
THE UPPER
BURNETT AND
CALLIDE LAND
SETTLEMENT
AREA.

Application
of Prickly-
pear Land
Acts.

Board to
determine
what lands
are "prickly-
pear land."

Amendment
of s. 4.

Land Acts Amendment Act. 20 GEO. V. No. 15,

Prickly-pear Lands.

22. (1.) It is hereby declared that, in respect of prickly-pear infested lands within the area delineated on the map in the Schedule to **"The Upper Burnett and Callide Land Settlement Act of 1923,"* the provisions of †*"The Prickly-pear Land Acts, 1923 to 1926"* (as amended by this Act) shall extend and apply to such prickly-pear infested lands, and the provisions of sections three to eight of **"The Upper Burnett and Callide Land Settlement Act of 1923"* shall no longer extend and apply: Provided that all the provisions of the last-mentioned Act relating to water facilities shall continue to have full force and effect.

(2.) The Board shall determine what lands in the area shall be deemed to be "prickly-pear land" for the purposes of this section.

*Amendments of *"The Upper Burnett and Callide Land Settlement Act of 1923."*

23. The following amendments are made in **"The Upper Burnett and Callide Land Settlement Act of 1923,"* which Act with the amendments made pursuant to this Act may collectively be cited as *"The Upper Burnett and Callide Land Settlement Acts, 1923 to 1929,"* that is to say:—

Section four is amended as follows:—

(i.) In subsection one, the letters and words—

- “ (a) Perpetual Lease Selections ; or
- (b) Grazing Homesteads”

are repealed and the following letters and words are inserted in lieu thereof, namely:—

- “ (a) Agricultural Farms ; or
- (b) Perpetual Lease Selections ; or
- (c) Grazing Homesteads ;”.

(ii.) In subsection two, after the words "relating respectively to" the words "Agricultural Farms," are inserted ; also, after the words "Crown lands within the Area as" the words "Agricultural Farms or" are inserted.

* 14 Geo. V. No. 14, *supra*, page 10639.

† 14 Geo. V. No. 34 and 17 Geo. V. No. 6, *supra*, pages 10605 and 11599.

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In paragraph (d) of the said subsection, after the words "may be notified to be open for" the words "Agricultural Farm Selection or" are inserted.

In paragraph (e) of the said subsection, after the words "The opening prices of the" the words "Agricultural Farms or" are inserted.

(iii.) Paragraph (i) of the said subsection two of section four is repealed and the following paragraph is inserted in lieu thereof:—

"(i) Every lease of a Grazing Homestead under this Act shall be subject to the condition of personal residence during the continuance of the first period of the term; that is, the selector shall personally reside on such Grazing Homestead for the period of seven years.

For any period subsequent to such first period of seven years and to the end of the term of the lease of the Grazing Homestead, the condition of personal residence shall not apply to such Grazing Homestead if such selector so continues as the selector thereof, but the condition of occupation as defined in section eighty-nine of the Principal Act shall apply.

In any case where a Grazing Homestead has with the consent of the Minister been sold by a selector, the purchaser of such Grazing Homestead shall be required to conform to the condition of personal residence on such Grazing Homestead during a period of five years from the registration in favour of such purchaser of the transfer of such Grazing Homestead.

For any period subsequent to such period of five years and to the end of the term of the Grazing Homestead, the condition of personal residence shall not apply in respect of such Grazing Homestead if such purchaser so continues as selector, but the condition of occupation as defined in section eighty-nine of the Principal Act shall apply to such Grazing Homestead.

From time to time, as the land is transferred, the condition of personal residence shall be reimposed in the lease of such

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Grazing Homestead for a period of five years from the date of the registration of each transfer or until the lease expires, whichever is the shorter period.”

(iv.) Paragraph (m) of the said subsection two of section four is repealed and the following paragraph is inserted in lieu thereof:—

“(m) If default is made by the lessee or licensee of a selection in the payment of any moneys due and payable under this Act, the lease or license shall, at the option of the Crown, be forfeited, but the lessee or licensee may defeat the forfeiture by payment of the amount due within ninety days from the prescribed date, with the addition of a sum by way of penalty equal to interest thereon at a rate not exceeding ten pounds per centum per annum for the period of default; but, unless the whole of the amount due, together with the penalty, is paid within ninety days from the prescribed date, the selection shall, at the option of the Crown, without any inquiry or other process, be forfeited:

Provided that the Minister may waive the forfeiture and reinstate the lessee or licensee on payment of the arrears due and the accrued penalty.”

PART VII.—
MISCELLANEOUS
AMENDMENTS
OF “THE
LAND ACTS,
1910 TO 1927.”

PART VII.—MISCELLANEOUS AMENDMENTS OF * “THE LAND ACTS, 1910 TO 1927.”

Amendments of Principal Act.

Amendment
of s. 4.

24. The following amendments are made in section four of the Principal Act:—

Interpreta-
tion of terms.

(a) After the first paragraph of the said section, ending with the words “that is to say,” the following definition is inserted:—

“ “ Board ”—The Land Administration Board constituted under † “ *The Land Acts Amendment Act of 1927* ” ; ”.

* 1 Geo. V. No. 15 and amending Acts, *supra*, page 8775 and sessional volumes; also 18 Geo. V. No. 17, *supra*, page 11949.

† 18 Geo. V. No. 17, *supra*, page 11949.

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(b) In the definition of the term "Public Purposes," after the words "Roads and stock routes," the words "Scenic purposes" are inserted.

25. The following proviso is added to subsection two of section fourteen of the Principal Act :— Amendment of s. 14 (2).

" Provided that nothing herein contained shall be deemed to restrict or prohibit any such officer as aforesaid, with the permission of the Minister, from bidding for or acquiring any town or suburban land as a residential site in the locality where his duties ordinarily are performed." Officers may acquire interest in land in certain cases.

26. After the proviso to subsection one of section nineteen of the Principal Act the following proviso is inserted :— Amendment of s. 19 (1).

" Provided further that the Court shall not give a decision reversing the Commissioner's acceptance of any application for land which was won at ballot by an applicant qualified to hold such land under the Principal Act, on the ground of— Minor irregularities not to invalidate ballots.

- (a) The inclusion of an unqualified applicant in the ballot or the exclusion of a qualified applicant therefrom, or
- (b) Any irregularity in the form of any unsuccessful application for the same land or in the mode of lodging such unsuccessful application with the Land Agent,

which was not brought under the notice of the Commissioner prior to the ballot, if the Court is satisfied that the Commissioner acted in good faith and in a reasonable manner in the circumstances known to him at the time."

27. The following amendments are made in section forty of the Principal Act :— Amendment of s. 40.

(a) Paragraph (e) of subsection one is repealed and the following paragraph is inserted in lieu thereof :— [Insertion of conditions in opening notification.]

- "(e) That any other improvements, ringbarking, clearing of undergrowth or other useless vegetation, or any works or conditions

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MISCELLANEOUS
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LAND ACTS,
1910 TO 1927."

Land Acts Amendment Act. 20 GEO. V. No. 15,

whatsoever specified in the notification, shall be made, done, or performed within a time so specified."

(b) In paragraph (f) of the said subsection one, after the word "plants" the words "on the whole or a specified part of the land" are inserted.

(c) Subsection three is repealed and the following subsection is inserted in lieu thereof:—

When application to be deemed made for certain other specified lots in same notification.

"(3.) Notwithstanding anything herein contained, where a notification declares two or more lots open for Pastoral Lease, any person may lodge with his application a notice, in the prescribed form or to the like effect, that he desires to be deemed an applicant for any other specified lot or lots included in the opening notification; whereupon, provided that he deposits with his application an amount equal to the greatest amount of notified rent per annum for any of the lots specified in his application and notice herein referred to, he shall be deemed to be an applicant for all lots specified in such application and notice: Provided further that nothing in this subsection shall permit of any person holding or acquiring a greater area either as Pastoral Holdings or as Preferential Pastoral Holdings than is allowed in and by such notification."

Amendment of s. 40B.
[Disqualification for preferential pastoral holdings.]

28. In paragraph (c) of subsection one of section 40B of the Principal Act, after the words "grazing selection" the words "the rent of which together with the rent of the area sought to be acquired as a preferential pastoral holding exceeds four hundred pounds per annum" are inserted.

Also, the words "any preferential pastoral holding" at the end of the said subsection are repealed and the words "a preferential pastoral holding" are inserted in lieu thereof.

Section 50 (b).
[Classes and modes of selections.]

29. Paragraph (b) of section fifty of the Principal Act is repealed and new paragraph (b) is inserted in lieu thereof:—

"(b) Grazing Selections, which may be—
Grazing Homesteads;
Grazing Farms;
Development Grazing Homesteads; or
Development Grazing Farms."

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Also, paragraph (b) of the proviso is repealed and the following paragraph is inserted in lieu thereof :—

“(b) Notwithstanding anything contained in paragraph (a) hereof, all lands open on the first day of January, one thousand nine hundred and thirty, for Perpetual Lease Selection and not selected shall, on and after that date, be available also for selection as Agricultural Farms at purchasing prices of the same amount as the capital values at which the lands are available as Perpetual Lease Selections, and all lands open on that date for Perpetual Lease Prickly-pear Selection and not selected shall, on and after that date, be available also for Prickly-pear Selection at purchasing prices of the same amount as the capital values at which the lands are available as Perpetual Lease Prickly-pear Selections.”

30. After section fifty of the Principal Act the following new section is inserted :—

“[50A.] The Minister, with the approval of the Governor in Council, may from time to time, by notification in the *Gazette*, define and set apart for selection as Opening land for homestead selection. Agricultural Homesteads or Free Homesteads any country lands, not being lands in respect of which any public moneys have been expended for the purposes of acquisition or development: Provided that, before any lands are defined and set apart as aforesaid, an officer of the Department of Agriculture, authorised in that behalf by the Minister for Agriculture, shall certify that—

- (a) The situation, soil, and climate are such as to make the lands suitable for selection as Agricultural or Free Homesteads in terms of this Act; and
- (b) A prudent settler with reasonable industry will be able to make a living for himself and family from the land.

No land other than land situated in a homestead area as so defined shall be opened for selection as an Agricultural Homestead or Free Homestead.”

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Amendment
of s. 52.

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31. In section fifty-two of the Principal Act, the words "as offered in the public notice or notices declaring the land or several portions open for selection" are repealed and the words "as fixed by the Minister for the first period of the lease or leases" are inserted in lieu thereof.

[Maximum
of Grazing
Selection.]

Amendment
of s. 54 (2).
[Repeal of
cultivation
conditions.]

32. Paragraphs (iii.) and (iiiA.) of subsection two of section fifty-four of the Principal Act are repealed.

Also, in both paragraphs (iv.) and (ivA.), after the words "noxious plants" the words "on the whole or a specified part of the selection" are inserted.

33. After paragraph (iv B.) of subsection two of section fifty-four of the Principal Act the following paragraphs are inserted:—

Condition
as to
improvements,
ringbarking,
&c.

"(iv C.) In the case of any selection—impose the condition that any improvements, ringbarking, clearing of undergrowth or other useless vegetation, or any works or conditions whatsoever specified in the notification, shall be made or done or performed within a time so specified;

Develop-
ment
Grazing
Homesteads
or Develop-
ment
Grazing
Farms.

(iv D.) In the case of Development Grazing Homesteads or Development Grazing Farms—specify the length of the first period of the term during which the annual rent (if any) per acre specified in the notification is to be paid, and the length of the subsequent period or periods (if any) for which the annual rent is to be determined by the Court;".

34. Section 54A of the Principal Act is repealed and the following section is inserted in lieu thereof:—

When
application
to be deemed
made for
certain other
specified
portions
in same
notification.

"[54A.] Notwithstanding anything hereinbefore contained, where a notification declares two or more portions open for Grazing Selection, any person may lodge with his application a notice, in the prescribed form or to the like effect, that he desires to be deemed an applicant for any other specified portion or portions included in the opening notification; whereupon, provided that he deposits with his application an amount equal to the greatest amount of notified rent per annum for any of

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the portions specified in his application to select and notice herein referred to, he shall be deemed to be an applicant for all portions specified in such application to select and notice: Provided further that nothing in this section shall permit of any person holding or acquiring a greater area as Grazing Selections than is hereinbefore prescribed.”

35. In paragraph (f) of subsection one of section fifty-five of the Principal Act, after the words “Agricultural Farms” the words “or Perpetual Lease Selections” are inserted; also, the proviso to the said subsection one is repealed.

Amendment
of s. 55.
[Notification
of land for
Group
Selection.]

36. The following further proviso is added to section fifty-seven of the Principal Act:—

Amendment
of s. 57.
[Purchasing
price and
capital
value.]

“Provided further that when land is declared open for selection as an Agricultural Farm or as a Prickly-pear Selection and alternatively as a Perpetual Lease Selection or a Perpetual Lease Prickly-pear Selection, as the case may be, the capital value of the land as a Perpetual Lease Selection or a Perpetual Lease Prickly-pear Selection shall be the same amount as the purchasing price of the land as an Agricultural Farm or a Prickly-pear Selection, as the case may be.”

37. The following proviso is added to section fifty-eight of the Principal Act:—

Amendment
of s. 58.
[Opening
land in less
than living
areas.]

“Provided that if the Board certifies to the Minister that any area of vacant Crown land is, by itself, too small to constitute a living area as a Grazing Homestead, or that for any other reason the land is unsuitable for opening as a Grazing Homestead, the Minister, with the approval of the Governor in Council, may by notification declare such area open for selection as a Grazing Farm without first having it made available as a Grazing Homestead, and notwithstanding anything to the contrary in this Act may further declare that such Grazing Farm shall not be subject to the condition of occupation.”

38. Section seventy-one of the Principal Act is amended as follows:—

Amendment
of s. 71.
[Repeal of
cultivation
conditions.]

The second paragraph of subsection one, beginning with the words “An applicant” to and including the words “such offer:” is repealed.

The proviso to the said subsection one is repealed and the following proviso is inserted in lieu thereof:—

“Provided that an applicant who makes such offer as aforesaid shall be bound to perform the condition of personal residence, in terms of such offer, notwithstanding that he is the only applicant for the land.”

Subsection four of the said section is repealed.

39. After section seventy-two of the Principal Act the following new section is inserted:—

Leases
surrendered
by arrange-
ment shall
be deemed
to be expired
leases.

“[72A.] When any holding is surrendered to the Crown in pursuance of an arrangement made between the lessee and the Minister on the recommendation of the Board, in order that the land comprised therein or any part thereof may be opened for selection, such holding shall be deemed to be an expired lease for the purposes of the last preceding section.”

[Tenders
for selections
discon-
tinued.]

40. Section seventy-three of the Principal Act is repealed.

Amendment
of s. 90.

[Selection
by members
of a family.]

41. In section ninety of the Principal Act, the words “five miles” are repealed and the words “thirty miles” are inserted in lieu thereof.

Amendment
of s. 91.

[Neighbour-
ing
selections
held by the
same
selector.]

42. Section ninety-one of the Principal Act is amended as follows:—

In subsections one and two the words “fifteen miles” are repealed and the words “thirty miles” are inserted in lieu thereof.

Subsection three is repealed and the following subsection is inserted in lieu thereof:—

“(3.) When the selector of a selection which is subject to the condition of occupation, or such selector’s registered bailiff, resides continuously and *bona fide* upon land in which the selector is beneficially interested and which is situated at a distance not exceeding thirty miles from the nearest part of the selection, such residence shall be equivalent to the residence of the selector or such bailiff upon the selection, and shall confer on the selector the same rights in respect of the selection as his own residence or the residence of his registered bailiff on the selection would have conferred :

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Provided that the land on which the selector or his registered bailiff so resides is not situated in any city, town, or township, or other centre of population, or has not at any time been declared to be suburban land."

43. In section ninety-six of the Principal Act, the word "Court" wherever it occurs is repealed and the word "Board" is inserted in lieu thereof.

Amendment
of s. 96.
[Land Administration Board to act instead of Land Court on conversion of selection tenures.]

44. Subsection six of section one hundred and four of the Principal Act is repealed.

Amendment
of s. 104.
[Repeal of cultivation condition.]

45. Subsections two and three of section one hundred and nine of the Principal Act are repealed and the following subsections are inserted in lieu thereof:—

Amendment
of s. 109.
[Term of lease of Grazing Selections.]

"(2.) The term shall be the notified term.

When the term of a Grazing Homestead or Grazing Farm exceeds seven years, the term shall be divided into periods; or, in the case of existing Grazing Selections, when the residue of the term after the expiration of the current period exceeds seven years, such residue shall be divided into periods. The last period shall be of such duration as will permit the other period or each of the other periods, as the case may be, to be of the duration of seven years.

In the case of a Development Grazing Homestead or Development Grazing Farm, the term shall be divided into periods as specified in the notification opening the land for selection.

(3.) The annual rent reserved shall be, during the first period, the notified rent.

The rent for the second and each succeeding period shall be determined by the Court."

46. Subsection four of section one hundred and nine of the Principal Act is repealed and the following subsection is inserted in lieu thereof:—

"(4.) The lease of a Grazing Farm shall be subject to the condition of occupation during the whole term, except in the case of a Grazing Farm in respect of

Residence conditions of Grazing Selections.

which the Minister with the approval of the Governor in Council (by virtue of the proviso to section fifty-eight) declares in the notification opening the land for selection that such Grazing Farm shall not be subject to the condition of occupation :

Provided that, in the case of a Grazing Homestead applied for or held prior to the first day of January, one thousand nine hundred and seventeen, the lease shall be subject to the condition of personal residence during the first five years of the term, and thereafter for the remainder of the term to the condition of occupation."

47. After paragraph (c) of subsection 4A of section one hundred and nine of the Principal Act the following new paragraph is inserted:—

Relief from
personal
residence
when
Grazing
Homestead
less than
living area.

"(d) Notwithstanding anything hereinbefore contained, in the case of a Grazing Homestead subject to the condition of personal residence, if the Board certifies that the land is less than a reasonable living area as defined in section eight of **The Land Acts Amendment Act of 1927*" the selector may be relieved from personally residing on the land. In such cases the condition shall be deemed to be performed by the residence on the selection of a registered bailiff who is himself qualified to select a similar selection or by the residence of such bailiff or of the selector on other land as may be approved by the Board."

48. After section one hundred and nine of the Principal Act the following new section is inserted:—

Construction
of Act in
relation to
Develop-
ment
Grazing
Homesteads
or Develop-
ment
Grazing
Farms.

"[109A.] Except as is otherwise specially provided by this Act, in any provision in which reference is made to a Grazing Homestead or Grazing Homesteads such provision shall be read and construed as if the words "or Development Grazing Homestead" or "or Development Grazing Homesteads," as the case may be, were inserted after the words "Grazing Homestead" or "Grazing Homesteads" respectively; and any such provision concerned shall be and be deemed to be amended by this section accordingly.

* 18 Geo. V. No. 17, *supra*, page 11949.

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Except as is otherwise specially provided by this Act, in any provision in which reference is made to a Grazing Farm or Grazing Farms such provision shall be read and construed as if the words “or Development Grazing Farm” or “or Development Grazing Farms,” as the case may be, were inserted after the words “Grazing Farm” or “Grazing Farms” respectively; and any such provision concerned shall be and be deemed to be amended by this section accordingly.”

49. Subsection three of section 110A of the Principal Act is repealed.

Amendment
of s. 110A.
[Repeal of
cultivation
provision.]

50. After paragraph (b) of subsection two of section one hundred and sixteen of the Principal Act the following new paragraph is inserted:—

[Insertion of
conditions
of sale in
notification.]

“(c) Impose a condition that the purchaser shall make substantial improvements on the land to the satisfaction of the Minister of a value and within a time to be specified.”

51. In subsection three of section one hundred and twenty of the Principal Act, after the words “as aforesaid” the words “and upon compliance with all the conditions of sale imposed by the notification” are inserted.

Amendment
of s. 120 (3.)
[When grant
to issue.]

52. After section one hundred and twenty-one of the Principal Act the following new section is inserted:—

“[121A.] (1.) The Minister, with the approval of the Governor in Council, may, by notification, cause any Crown land to be offered for sale by public auction as town or suburban or country lots and alternatively as Perpetual Town Leases or Perpetual Suburban Leases or Perpetual Country Leases.”

Authority to
offer land
for sale
alternatively
as freehold
or perpetual
leases.

(2.) The person who makes the highest bid for a lot, not being less than the upset price, shall state whether he wishes to be considered the purchaser of the land in terms of sections one hundred and fifteen to one hundred and twenty or whether he desires the issue to him of a perpetual lease in terms of section one hundred and twenty-one of this Act, whereupon the provisions of such of those sections as are applicable shall apply.”

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OF "THE
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Amendment
of s. 128.

[Retrospective
re-assessment
limited.]

Land Acts Amendment Act. 20 GEO. V. No. 15,

53. The following proviso is added to section one hundred and twenty-eight of the Principal Act:—

“Provided that if a lessee, within six months prior to the expiration of an assessment period of his holding, gives notice in writing under his hand or under the hand of his agent in the prescribed form or to the like effect to the Minister that he desires the rent of his holding to be determined for the ensuing period, then, notwithstanding anything contained in this Act, such lessee of such holding, when the rent thereof has been so determined, shall not be required to pay arrears accruing from such determination (being the difference in the amount of the rent payable by him prior to such determination and the amount of the rent as so determined by the Court) for a longer period than twelve months antecedent to the date of the reference by the Minister to the Court of the question of the determination of such rent.”

When
resumption
takes effect.

54. In paragraph (c) of section one hundred and fifty of the Principal Act, after the words “compensation is payable,” the words “not being cases of resumption for public purposes,” are inserted.

Amendment
of s. 155 (1.)
[Payment
for
ringbarking,
&c., on
resumption.]

55. In subsection one of section one hundred and fifty-five of the Principal Act, all words commencing “For the purposes of this subsection” and ending “for each succeeding year” are repealed and the following words are inserted in lieu thereof:—

“For the purposes of this subsection, ringbarking or the clearing of undergrowth and useless vegetation or any development work in the nature of clearing, which has the effect of improving the carrying capacity of the holding, shall be deemed to be an improvement for which the lessee shall be entitled to be paid in case of the resumption of the land within twenty years after the date of the permit, but in no case shall the amount so paid exceed the cost of such ringbarking or clearing, less proper deduction for deterioration: Provided that in estimating the compensation to be paid, there shall be taken into consideration, by way of set-off or abatement, the benefit received by the lessee from such ringbarking or clearing since the same was effected.”

Amendment
of s. 157.

56. Section one hundred and fifty-seven of the Principal Act is amended, by inserting after the words

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"stocking or improving the holding" the words "or for other purpose approved by the Minister.

57. Section 157A of the Principal Act is amended, by inserting after the words "stocking or improving the selection" the words "or for other purpose approved by the Minister." Amendment of s. 157A.

58. After section one hundred and sixty of the Principal Act the following section is inserted:—

"[160A.] (a) When any holding which is charged or made security for the payment of any sum of money by the registration of a memorandum of mortgage or charge is surrendered to the Crown for the purpose of effecting a conversion of the tenure of such holding to any other tenure, or of enabling a new lease of the land or any part of it to be granted, or of having the land comprised in such holding made available under some other tenure with priority of application to the mortgagor, such memorandum of mortgage or charge shall not be extinguished by such conversion or surrender, as the case may be, and as between the parties to the said memorandum of mortgage or charge and all other persons such memorandum of mortgage or charge shall, during the period between the date of the surrender of the holding to the Crown and the date of the instrument of title entitling the mortgagor to occupation under the new tenure, be and remain a good and effective security for the moneys thereby secured. Provision re registered mortgages.

(b) Immediately upon and following the date of the instrument of title entitling the mortgagor to occupation under the new tenure or lease, such holding under such new tenure or lease shall be and become the holding charged or made security for the payment of the sum of money secured by such memorandum of mortgage or charge.

(c) Before the issue of the instrument of title under the new tenure or lease, the proper officer of the Department of Public Lands shall endorse on such instrument of title a note of every subsisting entry in the proper register, and thereafter the first subsisting mortgagee or encumbrancee shall be entitled to and may obtain from the Department of Public Lands such instrument of title of the holding.

(d) Such memorandum of mortgage or charge shall for all purposes whatsoever have the same force and effect as if duly executed and registered with respect to the new tenure or lease.

(e) This section shall be deemed to have come into operation on and from the first day of July, one thousand nine hundred and twenty-six, and to that extent the section shall have retrospective operation."

Amendment
of s. 171.

[Determina-
tion of value
of rabbit-
proof or
marsupial-
proof fence
by Land
Court.]

59. The following amendments are made in section one hundred and seventy-one of the Principal Act:—

(a) The second paragraph, commencing with the words "For the purposes of this section, any reference in **The Fencing Act of 1861*"" and ending with the words "shall be read and construed accordingly," is repealed and the following paragraph is inserted in lieu thereof:—

"In the case of a dividing fence between holdings which is rabbit-proof or marsupial-proof, or both rabbit-proof and marsupial-proof, any reference in **The Fencing Act of 1861*" and †*The Fencing Act of 1861 Extension Act of 1897*" to any court of petty sessions or court or two or more justices or magistrates shall, for the purposes of this section, be deemed to be a reference to the Land Court, and any reference to the clerk of petty sessions shall be deemed to be a reference to the registrar of the Land Court, and the provisions of such last-mentioned Acts shall be read and construed accordingly."

(b) Before the last proviso to the said section the following additional proviso is inserted:—

"Provided always that the remedies provided by this section shall extend so as to include any increased material benefit which may arise from any fence to which this Act applies subsequent to any prior judgment by the Court in respect of such fence.

The matter shall be dealt with by the Court in the same manner as an original claim is dealt with, and the Court shall accordingly declare the value of the fence and the proportion of benefit (if any) which the person summoned derives or will derive from the fence and the amount he shall pay to the plaintiff, and shall give judgment for such sum (which sum shall not,

* 25 Vic. No. 12, *supra*, page 753.

† 61 Vic. No. 9, *supra*, page 757.

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together with any previous judgment or judgments, exceed one-half of such declared value) as is equivalent to such benefit."

60. After section one hundred and seventy-five of the Principal Act the following section is inserted:—

"[175A.] Notwithstanding anything hereinbefore contained, the Governor in Council may sell and grant any Crown land, at a price to be determined by the Court, or may issue a Perpetual Town Lease, Perpetual Suburban Lease, or Perpetual Country Lease of any Crown land at an annual rent for the first period to be determined by the Court in accordance with the provisions of section 176A of this Act, without competition, to a religious body which is now or may hereafter be authorised and competent in law to acquire and hold land in fee simple, for the purpose of erecting church buildings thereon.

The provisions of sections 116, 117, 120, and 121 of this Act except as hereby modified, shall, *mutatis mutandis*, apply to land dealt with under this section:

Provided that it shall be a condition of the sale or lease, as the case may be, that specified church buildings shall be erected on the land within a specified time."

61. The following amendments are made in section one hundred and eighty-five of the Principal Act:—

(a) In subsection one, after the word "mortgage" the words "except as provided in subsection three hereof" are inserted.

(b) After subsection two the following new subsection is inserted:—

"(3.) In order to raise funds for effecting permanent improvements on any land granted in trust, or for adding to permanent improvements already effected on such land, the Governor in Council may, by Order in Council, grant to the trustees of such land liberty to mortgage the said land, or any specified part thereof, upon such terms, conditions, and stipulations as he thinks proper; and the trustees shall be at liberty to effect such mortgage

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accordingly in pursuance of such Order in Council, notwithstanding any restriction contained or implied in the deed of grant or *"*The Land Acts, 1910 to 1929*"; and a mortgage so made shall be valid and effectual for all purposes:

Provided that if default shall be made either in the payment of the moneys secured or in any of the covenants expressed in the memorandum of mortgage, the mortgagee of such land shall give to the Minister thirty days' notice in writing before he shall issue any process or exercise any remedy against the mortgagor in pursuance of the memorandum of mortgage."

Amendment
of s. 198.

[Ring-
barking or
destroying
timber
without
Commis-
sioner's
permit.]

62. In subsection one of section one hundred and ninety-eight of the Principal Act, after the words "lessee of a pastoral holding," the words "or Special Lease" are inserted.

Amendment
of s. 199.

[Commis-
sioner may
issue timber
and other
licenses.]

63. In subsection one of section one hundred and ninety-nine of the Principal Act, after the words "or any Grazing Selection" the words "or any Special Lease" are inserted.

Amendment
of s. 200.

[Lessee has
no power to
restrict
authorised
persons.]

64. In section two hundred of the Principal Act, after the words "a lessee of a pastoral holding," the words "or Special Lease" are inserted.

Amendment
of s. 201.

[Offences as
to timber,
&c.]

65. In subsection three of section two hundred and one of the Principal Act, after the words "or any pastoral holding" the words "or Special Lease" are inserted.

Amendment of † "The Land Act Amendment Act of 1916."

[Repeal of
section
providing
that no
land be
auctioned
in fee simple
after
1st January,
1917.]

66. Section thirty-four of "*The Land Act Amendment Act of 1916*" is repealed.

* 1 Geo. V. No. 15 and amending Acts, see *supra* (this Act).

† 7 Geo. V. No. 19, *supra*, page 7604.

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AMENDMENTS
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*Amendments of **“The Land Acts Amendment Act of 1927.”**

67. After section sixteen of **“The Land Acts Amendment Act of 1927”* the following section is inserted :—

“[16A.] (1.) The Minister, with the approval of the Governor in Council, may by notification declare any Crown land open for application as a Stud Holding, and may withdraw any land from being open as a Stud Holding.”

(2.) Such land may in any case be declared so open, subject to any of the conditions applicable under Division I. of Part III. of the Principal Act to Pastoral Leases, and notwithstanding anything contained in the Principal Act may be subject to such other special conditions as the Governor in Council thinks fit to impose in order to secure the use of the land for the depasturing of stud sheep or stud cattle, and the establishment, maintenance, and conduct of such stud. In every case the notification shall declare the necessary particulars to be inserted in the conditions of lease for effecting the prescribed purposes: Provided that the term of a Stud Holding shall not exceed thirty years.

(3.) Except as varied by this Act and by the notification opening the land, all the provisions of the Principal Act relating to Pastoral Leases shall be applicable to Stud Holdings.”

68. In section thirty-seven of **“The Land Acts Amendment Act of 1927,”* all words commencing “and whenever in this Act any powers” and ending “or other tribunal whatsoever,” at the end of the second paragraph of the said section, are repealed.

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Amendments of †“The Prickly-pear Land Acts, 1923 to 1926.”**

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69. The following amendments are made in †*“The Prickly-pear Land Acts, 1923 to 1926,”* that is to say :—

(i.) In subsection nine of section eleven, after the word “operations” the words “and the destruction of other noxious weeds” are inserted.

* 18 Geo. V. No. 17, *supra*, page 11949.

† 14 Geo. V. No. 34 and 17 Geo. V. No. 6, *supra*, pages 10605 and 11599.

Also, after the word "Commission" at the end of the first paragraph, the words "whether such localities are included within a prickly-pear area or not" are inserted.

In the second paragraph of the said subsection nine of section eleven, after the words "endeavour to destroy prickly-pear" the words "or other noxious plants" are inserted.

Amendment
of s. 12.
[Judicial
functions.]

(ii.) Paragraph (g) of subsection one of section twelve is repealed.

Subsection two of section twelve is repealed and the subsection at present numbered "three" is renumbered "four."

The following new subsections are added to the said section twelve:—

"(2.) For the purpose of the exercise of the judicial functions of the Commission the provisions of Division III. of Part II. of the Principal Act, with such modifications thereof or additions thereto as the Governor in Council may, from time to time by Order in Council, declare so as to meet the circumstances, shall be applicable and shall be observed.

Jurisdiction
of Land
Court and
Land Appeal
Court.

(3.) The Land Court and Land Appeal Court shall have no jurisdiction in respect of all matters enumerated in subsection one hereof over or in respect of holdings comprising prickly-pear land, but such jurisdiction shall not be affected as regards any other matters relating to prickly-pear land."

Amendment
of s. 23A.
[Conversion
of pastoral
leaseholds or
prickly-pear
leases to
prickly-pear
selections.]

(iii.) In section 23A, before the words "perpetual lease prickly-pear selection," wherever they occur, the words "prickly-pear selection or" are inserted.

In the fifth paragraph of the said section 23A, before the words "capital value" the words "purchasing price or" are inserted.

Amendment
of s. 24.
[Conversion
of grazing
selections to
prickly-pear
selections.]

(iv.) In the first paragraph of section twenty-four, before the words "perpetual lease prickly-pear selection" the words "prickly-pear selection or" are inserted.

In the second paragraph of the said section twenty-four, before the words "capital value" the words "purchasing price or" are inserted.

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ACTS.

The third paragraph is repealed and the following paragraph is inserted in lieu thereof:—

“Upon the surrender of the subsisting lease or license to occupy, the selector shall be entitled to a lease or license to occupy (as the case may be) from the Crown of the land as a prickly-pear selection or as a perpetual lease prickly-pear selection, on the conditions so determined, and generally the provisions of the Principal Act and of this Act shall apply to every such new prickly-pear selection or perpetual lease prickly-pear selection (as the case may be).”

(v.) In section 25A, before the words “perpetual lease prickly-pear selection,” in the first paragraph of the said section, the words “prickly-pear selection or” are inserted.

Amendment
of s. 25A.
[Conversion
of a
perpetual
lease
selection to a
prickly-pear
selection.]

In the second paragraph of the said section 25A, before the words “capital value” the words “purchasing price or” are inserted.

The third paragraph of the said section 25A is repealed and the following new paragraph is inserted in lieu thereof:—

“Upon the surrender of the subsisting lease or license to occupy, the selector shall be entitled to a lease or license to occupy (as the case may be) from the Crown of the land as a prickly-pear selection or as a perpetual lease prickly-pear selection, on the conditions so determined, and generally the provisions of the Principal Act and of this Act shall apply to every such new prickly-pear selection or perpetual lease prickly-pear selection (as the case may be).”

(vi.) In section 28B, after the words “perpetual lease selections” the words “agricultural farms, prickly-pear selections” are inserted.

(vii.) In subsection one of section twenty-nine, after the words “perpetual lease selections” the words “agricultural farms, prickly-pear selections” are inserted.

Amendment
of s. 29.
[Areas for
new
selections of
prickly-pear
land.]

The following proviso is added to the said subsection one of section twenty-nine:—

“Provided that, when land is declared open for selection as a prickly-pear selection and alternatively as a perpetual lease prickly-pear selection, the capital value

of the land as a perpetual lease prickly-pear selection shall be the same amount as the purchasing price of the land as a prickly-pear selection.”

In subsection two of the said section twenty-nine, after the words “grazing selections” the words “or as prickly-pear selections” are inserted.

Amendments of the Closer Settlement Acts.

70. The following amendments are made in **“The Closer Settlement Acts, 1906–1913,”* as amended by †*“The Closer Settlement Act Amendment Act of 1917,”* ‡*“The Closer Settlement Acts Amendment Act of 1923,”* (which Acts with the amendments herein made by this Act and by the Land Acts Amendment Acts of §1922, ||1924, and ¶1925 respectively may collectively be cited as *“The Closer Settlement Acts, 1906 to 1929”*), that is to say:—

Amendment
of s. 36B.
[Repeal of
cultivation
condition.]

(i.) Paragraph (iv.) of subsection two of section 36B is repealed.

Amendment
of s. 36D.
[Personal
residence.]

(ii.) In section 36D, the words “condition of personal residence during the whole term” are repealed and the following words are inserted in lieu thereof:—“condition of personal residence during the continuance of the first period of the term, that is, the selector shall personally reside on such Settlement Farm Lease for the period of seven years.

For any period subsequent to such first period of seven years and to the end of the term of the Settlement Farm Lease, the condition of personal residence shall not apply to such Settlement Farm Lease if such selector so continues as the selector thereof, but the condition of occupation as defined in section eighty-nine of the Principal Act shall apply.

In any case where a Settlement Farm Lease has with the consent of the Minister been sold by a selector, the purchaser of such Settlement Farm Lease shall be required to conform to the condition of personal residence on such Settlement Farm Lease during a period of five years from the registration in favour of such purchaser of the transfer of such Settlement Farm Lease.

* 6 Edw. VII. No. 32 and 4 Geo. V. No. 21; † 8 Geo. V. No. 10; and ‡ 14 Geo. V. No. 18. See *supra*, pages 8901 and 10632.

§ 13 Geo. V. No. 34, *supra*, page 10096.

|| 15 Geo. V. No. 33, *supra*, page 11053.

¶ 16 Geo. V. No. 27, *supra*, page 11318.

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For any period subsequent to such period of five years and to the end of the term of the Settlement Farm Lease, the condition of personal residence shall not apply in respect of such Settlement Farm Lease if such purchaser so continues as selector, but the condition of occupation as defined by section eighty-nine of the Principal Act shall apply to such Settlement Farm Lease.

From time to time, as the land is transferred, the condition of personal residence shall be reimposed in the lease of such Settlement Farm Lease for a period of five years from the date of the registration of each transfer or until the lease expires, whichever is the shorter period.”

(iii.) The proviso to clause (e) of section 36F is repealed and the following new proviso is inserted:—

“ Provided that, in determining the rent, regard shall not be had to any increase in the value of the holding attributable to improvements, nor during a period of twenty-five years from the date of the permit or until the termination of the lease of the holding, whichever is the shorter period, to any ringbarking or clearing of undergrowth and useless vegetation, or any development work in the nature of clearing, which has the effect of improving the carrying capacity of the holding and which has been effected in pursuance of a permit issued by a Commissioner, as prescribed by regulations under **“ The Land Acts Amendment Act of 1929.”*”

Amendment
of s. 36F.[Rent not
affected by
ringbarking.]

Amendments of †“ The Closer Settlement Act Amendment Act of 1917.”

71. The following amendments are made in †*“ The Closer Settlement Act Amendment Act of 1917,”* that is to say:—

(i.) In section two, the first paragraph and subsection one are repealed and the following new paragraph and subsection one are inserted in lieu thereof—

[Opening
land for
Perpetual
Lease
Selection.]

“ After the passing of this Act, the following additional provisions shall apply to the disposal of land

* This Act.

† 8 Geo. V. No. 10, *supra*, page 8901.

acquired under the Principal Act, whether so acquired before or after the passing of this Act :—

(I.) The remainder of the land (after making provision for the purposes referred to in section twenty-eight of the Principal Act) may, in addition to being opened for selection as Agricultural Farms in terms of section twenty-nine of the Principal Act, be also opened for selection as Perpetual Lease Selections under **“The Land Acts, 1910 to 1929”* (including †*“The Discharged Soldiers’ Settlement Act of 1917”*) and any other Act amending or in substitution for the same and this Act. The notification opening land for selection as Perpetual Lease Selections shall state the capital value of each separate portion.”

(ii.) The following proviso is added to paragraph (ii.) of subsection two of section two :—

“ Provided that when land is declared open for selection as an Agricultural Farm, and alternatively as a Perpetual Lease Selection, the capital value of the land as a Perpetual Lease Selection shall be the same amount as the purchasing price of the land as an Agricultural Farm.”

(iii.) The following subsection is added to section two :—

“(7.) Notwithstanding anything contained in subsection five hereof, all lands open on the first day of January, one thousand nine hundred and thirty, for Perpetual Lease Selection and not selected shall on and after that date be available also for selection as Agricultural Farms, at purchasing prices of the same amount as the capital values at which the lands are available as Perpetual Lease Selections.”

(iv.) The first paragraph of section five is repealed.

(v.) After section five the following new sections are inserted :—

“ [5A.] (a) Notwithstanding anything contained in any Act to the contrary, any lessee or licensee of an Agricultural Farm or a Perpetual Lease Selection to

Unselected
land
available as
Agricultural
Farms.

Amendment
of s. 5.

[Sales by
auction in
certain
cases.]

Review of
purchasing
prices and
capital
values.

* 1 Geo. V. No. 15 and amending Acts.

† 7 Geo. V. No. 32, *supra*, page 9453.

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which the provisions of **“The Closer Settlement Acts, 1906 to 1929,”* apply, who considers that the purchasing price or capital value of his holding is excessive, may, within six months after the commencement of this Act, make application to the Minister for a review of such purchasing price or capital value.

(b) Such application shall be accompanied by evidence in the form of a statutory declaration or an affidavit, which shall set out fully the facts on which the selector relies to support his contention that the existing purchasing price or capital value of his land is too high.

(c) No application for review shall be considered that is not accompanied by evidence as aforesaid.

(d) The Minister in his discretion may refer the application and accompanying declaration or affidavit to the Court or, in the case of prickly-pear land, to the Prickly-pear Land Commission, with a request that the unimproved value of the land referred to be determined.

(e) The Court (or the Commission) shall thereupon determine the unimproved value of the land as at the date of the application for review. In such determination the Court (or the Commission) shall have regard to the unimproved value of land of similar quality in the same neighbourhood, and may determine the value at the same amount as the present purchasing price or capital value of the land or at any amount higher or lower than such purchasing price or capital value.

(f) The value as so determined shall become the purchasing price or capital value of the land:

Provided that, in the case of an Agricultural Farm, the value as so determined shall be deemed to have been the purchasing price of the land from the date of commencement of the term of the lease, and in the case of a Perpetual Lease Selection any such review of the capital value shall be in respect of the current period of the lease, and shall be retrospective to the date of commencement of such period.

(g) Any excess of payment by the selector by reason of a review of purchasing price or capital value in terms

* See annotations to section 70 of this Act, *supra*.

of this section shall be credited to him in payment of rent which may subsequently become due in respect of the selection.

Conversion
to
Agricultural
Farm
tenure.

[5B.] Any selector of a Perpetual Lease Selection, to which the provisions of **“The Closer Settlement Acts, 1906 to 1929,”* apply, may, within six months after the commencement of this Act, give notice to the Minister that he elects to surrender his license or lease with a view to obtaining in substitution therefor a license or lease of the land as an Agricultural Farm under the Closer Settlement Acts, whereupon the provisions of section eleven of *“The Land Acts Amendment Act of 1929”* shall, *mutatis mutandis*, so far as are applicable, apply.”

Amendments of †“The Discharged Soldiers’ Settlement Acts, 1917 to 1926.”

72. The following amendments are made in †*“The Discharged Soldiers’ Settlement Acts, 1917 to 1926”* (which with the amendments herein made by this Act may be collectively cited as *“The Discharged Soldiers’ Settlement Acts, 1917 to 1929”*), that is to say:—

Amendment
of s. 4.
[Authority
to set apart
land for
selection as
Agricultural
Farms.]

(i.) Subsection one of section four is amended by inserting after the words “for selection as” the words “Agricultural Farms or as”. In the proviso to the said subsection, the words “acquire a” are repealed and the words “acquire an Agricultural Farm or” are inserted in lieu thereof.

Subsection two of the said section four is amended by inserting before the words “capital value,” where such words twice occur, the words “purchasing price or”.

Amendment
of s. 5.

(ii.) Provision five of section five is repealed and the following provision is inserted in lieu thereof:—

Residence
provision
applicable to
selections.

“(5) The lease shall be subject to the condition of personal residence by the lessee during the first five years of the term, and thereafter to the condition of occupation as defined in section eighty-nine of the Principal Act.”

* See annotations to s. 70 of this Act, *supra*.

† 7 Geo. V. No. 32 and 10 Geo. V. No. 21, *supra*, page 9453; also 17 Geo. V. No. 31, *supra*, page 11616

1929.

Land Acts Amendment Act.

PART V (II).—
AMENDMENTS
OF OTHER
ACTS.

(iii.) Provision four of section 5A is repealed and the following provision is inserted in lieu thereof:— Amendment of s. 5A.

“(4) The lease shall be subject to the condition of personal residence by the lessee during the first five years of the term, and thereafter to the condition of occupation as defined in section eighty-nine of the Principal Act.” Residence provision applicable to selections on acquired lands.

(iv.) In provision five of section seven, all words from and including the words “The lease” (at the commencement of the said provision) to and including the words “discharged soldier” (at the end of paragraph (b) of the said provision) and the letter (c) at the beginning of the following paragraph are repealed and the following words are inserted in lieu thereof:— Amendment of s. 7.

“The lease shall be subject to the condition of personal residence during the first five years of the term, and thereafter to the condition of occupation, and accordingly the provisions of sections 86, 87, 89, 93, 93A, and 133 of the Principal Act shall be applicable: Provided that, notwithstanding anything contained in the Principal Act—” Residence provision applicable to perpetual town and suburban leases.

(v.) In provision four of section 7A, all words from and including the words “The lease” (at the commencement of the provision) to and including the words “discharged soldier” (at the end of paragraph (b) of the said provision) and the letter (c) at the beginning of the following paragraph, are repealed and the following words are inserted in lieu thereof:— Amendment of s. 7A.

“The lease shall be subject to the condition of personal residence during the first five years of the term, and thereafter to the condition of occupation, and accordingly the provisions of sections 86, 87, 89, 93, 93A, and 133 of the Principal Act shall be applicable: Provided that, notwithstanding anything contained in the Principal Act—” Residence provision applicable to perpetual town or suburban leases on acquired lands.

(vi.) In section 7B, before the words “capital value” in the last paragraph of the section the words “purchasing price or” are inserted, and before the words “Perpetual Lease” the words “Agricultural Farm or” are inserted.

PART VIII.—
AMENDMENTS
OF OTHER
ACTS.

Land Acts Amendment Act. 20 GEO. V. No. 15.

Amendment
of s. 7c.
Personal
residence.

(vii.) The proviso to section 7c is amended by deleting the words "five miles," where they twice occur, and inserting the words "thirty miles" in lieu thereof.

(viii.) After section ten the following new section is inserted:—

Relief by
remission of
rent or
reduction of
purchasing
price, capital
value, or
rent.

"[10A.] In any case where any officers or officer deputed in that behalf by the Minister to make inquiry have or has, after such inquiry, recommended to the Minister that relief should be extended to a discharged soldier by way of a remission of rent or a reduction in the purchasing price, capital value, or rent charged such discharged soldier for his holding, the Minister may afford the relief so recommended wholly or in part and as from such date (whether before or after the date when this section was enacted) as he thinks proper under the circumstances, and he may accordingly reduce the aforesaid purchasing price, capital value, or rent, and thereupon the purchasing price, capital value, or rent (as the case may be) as so reduced shall be the purchasing price, capital value, or rent (as the case may be) of the holding as from the date so fixed by the Minister."

Repeal
of s. 11.

(ix.) Section eleven is repealed.

*Amendments of *"The Clermont Flood Relief Act of 1917."*

73. The following section is added after section nine of *"*The Clermont Flood Relief Act of 1917*" as amended by subsequent Acts (which Acts, with the amendments made by this Act, may collectively be cited as "*The Clermont Flood Relief Acts, 1917 to 1929*") :—

Conversion
to freehold
tenure.

"[10.] Notwithstanding anything contained in any Act, it shall be lawful for any lessee under this Act to give notice to the Minister within six months after the commencement of this Act that he desires his lease to be deemed a lease for a term of ten years, including a covenant entitling the lessee to a deed of grant in fee simple; and the provisions of section twelve of †"*The Land Acts Amendment Act of 1929*," together with any amendment or modification thereof or addition thereto which the Governor in Council may by Order in Council deem fit to make, shall apply and extend accordingly :

Application
of s. 12 of
"*The Land
Acts
Amendment
Act of 1929*."

* 7 Geo. V. No. 30, *supra*, page 7677.

† This Act.

1929.

Land Acts Amendment Act.

Provided that nothing herein contained shall in any way prejudice or affect the provisions of section four of this Act, and payments shall continue to be made to the Council of the Town of Clermont in the same way and to the same extent as if the land had continued to be held under perpetual lease tenure."

*Amendments of *"The Sugar Workers' Perpetual Lease Selections Act of 1923."*

74. The following amendments are made in *"*The Sugar Workers' Perpetual Lease Selections Act of 1923*" as amended by †"*The Sugar Workers' Perpetual Lease Selections Act Amendment Act of 1926*" (which Acts with the amendments herein made by this Act may collectively be cited as "*The Sugar Workers' Selections Acts, 1923 to 1929,*") that is to say:—

(i.) In the titles of both Acts, the words "*Perpetual Lease*" are repealed.

(ii.) Section three is amended as follows:—After the words "*Group Selection*" the words "*as Agricultural Farms or*" are inserted.

Amendment
of s. 3.
[Power to
open land
for sugar
workers.]

In subsection one of the said section, after the word "*acquire*" the words "*an Agricultural Farm or*" are inserted.

In subsection two, before the words "*Perpetual Lease Selections,*" where they twice occur, the words "*Agricultural Farms or*" are respectively inserted.

In paragraph (a) of subsection two, after the word "*contained*" the words "*an Agricultural Farm or*" are inserted.

(iii.) In section four, the words "*a Perpetual Lease Selection*" are repealed and the words "*an Agricultural Farm or a Perpetual Lease Selection*" are inserted in lieu thereof.

Amendment
of s. 4.

(iv.) In section 5A, after the words "*is possessed by the holder of*" the words "*an Agricultural Farm or*" are inserted.

Amendment
of s. 5A.
[Mortgaging
selections.]

* 14 Geo. V. No. 20, *supra*, page 10629.

† 17 Geo. V. No. 15, *supra*, page 11608.

PART IX.—GENERAL PROVISIONS.

Application of provisions of Act to prickly-pear land. **75.** The provisions of this Act shall be applicable to and shall extend to prickly-pear land as defined in **“The Prickly-pear Land Acts, 1923 to 1926.”*

Wherever in this Act the Minister is empowered or required to exercise or discharge any power, authority, or duty, the same shall, with respect to such prickly-pear land, be exercised and discharged by him after the consideration by him of the recommendation of the Prickly-pear Land Commission.

Collective title of Prickly-pear Land Acts. **76.** **“The Prickly-pear Land Acts, 1923 to 1926,”* as amended by †*“The Land Acts Amendment Act of 1927”* and this Act, may be collectively cited and referred to as *“The Prickly-pear Land Acts, 1923 to 1929.”*

This Act not to apply to *“The Tully Sugar Works Area Land Regulations Ratification Act of 1924.”* **77.** Nothing in this Act shall be deemed to apply or have reference to land acquired or held under the provisions of ‡*“The Tully Sugar Works Area Land Regulations Ratification Act of 1924.”*

Governor in Council may exempt documents from stamp duty in certain cases. **78.** Notwithstanding anything contained in any Act to the contrary, the Governor in Council may by Order in Council exempt from stamp duty any documents prescribed in such Order, which documents relate to the settlement of Crown lands.

Regulations under s. 209. **79.** All the provisions of section two hundred and nine of the Principal Act empowering the Governor in Council to make regulations shall, *mutatis mutandis*, extend and apply in respect of all or any matters or things under this Act, and such regulations may be made on the passing of this Act.

* 14 Geo. V. No. 34 and 17 Geo. V. No. 6, *supra*, pages 10605 and 11599.

† 18 Geo. V. No. 17, *supra*, page 11949.

‡ 15 Geo. V. No. 22, *supra*, page 11214.