*PROOF*

# CROWN LANDS AND CLOSER SETTLEMENT (AMENDMENT) BILL, 1968

## EXPLANATORY NOTE

THE objects of this Bill are—

(a) to amend the provisions of the Crown Lands Consolidation Act, 1913, as amended, and the Closer Settlement Acts restricting the transfer of certain lands so as to allow joint holders (excluding a husband and wife) in certain circumstances to hold lands not substantially exceeding one home maintenance area for each person;

(b) to amend the provisions of the Crown Lands Consolidation Act, 1913, as amended, so as to allow transfer in certain specified circumstances or where land is required for any special purpose approved by the Minister, notwithstanding that the transfer will result in the proposed transferee holding substantially more than a home maintenance area;

(c) to bring the week-end lease tenure into line with the suburban holding (for erection of dwelling) tenure so far as procedure for dealing with applications is concerned by—

(i) providing that the order of priority of all conflicting applications for week-end leases shall be determined by ballot,

(ii) providing that an application shall not be confirmed unless the applicant has first satisfied the local land board that in addition to being qualified to apply, he will be able to comply with the conditions that will attach to the lease, and

(iii) providing that where a local land board disallows an application there shall be no right of appeal;

(d) to repeal the restriction on acquiring or holding more than one week-end lease;

(e) to provide that the annual rent for the first ten years for future week-end leases shall be as notified and not 2½ per centum of the capital value as at present;

(f) to remove the requirement for an applicant for a suburban holding, who holds residential land within an area specified in the notification making the holding available for application, to obtain the Minister's consent to apply;

(g) to repeal the provision under which the Minister may consent to a person, who holds residential land within an area specified in the notification making the holding available for application, applying for a week-end lease;

(h) to permit applications for special leases to be lodged without a deposit towards payment of costs, rent or survey fee;

(i) to widen the provisions which allow extension to perpetuity of the terms of special leases granted for certain purposes so as to include all special leases;

(j) to widen the provisions which allow conversion into conditional purchases of special leases granted for certain purposes so as to include all special leases;

(k) to repeal the provisions which permit conversion of special leases into conditional leases, homestead farms or Crown-leases and which permit conversion of agricultural or pastoral leases granted under the Church and School Lands Dedication Act, 1880, into conditional purchases, conditional leases, homestead farms or Crown-leases;

(l) to allow the Minister to refuse an application for a special lease in perpetuity, or for conversion of a special lease, without reference to the local land board, in certain cases where there is a statutory bar to the granting of the application;

(m) to enable the Minister to grant a certificate permitting the transfer, without his consent, of certain conditional purchases which are conversions of special leases;

(n) to authorise the Minister to specify in the notification making certain tenures under the Crown Lands Consolidation Act, 1913, as amended, and the Closer Settlement Acts available for application a period during which all applications made shall be deemed to have been made simultaneously;

(o) to provide that applications for tenures within a classified area or special area need not be accompanied by a deposit or survey fee;

(p) to provide that interest for late payment of moneys due on Crown tenures will not be charged if payment is made within three months of the due date and that, if payment is made after the expiration of the period of three months, interest at the rate of seven per centum per annum will be charged as from the due date;

(q) to authorise the Minister to vary, for administrative purposes, the due dates for payment of sums payable on certain Crown tenures;

(r) to substitute in the Crown Lands Consolidation Act, as amended, the Closer Settlement (Amendment) Act, 1918, the Western Lands Act of 1901, as amended, the Prickly-pear Act, 1924, as amended, and the Public Roads Act 1902, as amended, new provisions authorising the Minister to delegate to the holder of a prescribed office any prescribed powers, authorities, duties or functions;

(s) to make provision for joint applications by married persons for settlement purchases and closer settlement leases;

(t) to provide that applications for settlement purchases need not be accompanied by a deposit;

(u) to make further provisions with respect to the commencement of titles to, the condition of residence attaching to, and the transfer and grant of settlement purchases;

(v) to extend the provisions of the Closer Settlement Acts relating to the granting of preferential rights;

(w) to enable the Minister to notify that priority and preference shall be given to certain discharged members of the forces applying for settlement purchases;

(x) to enable the Minister to set apart lands as both a settlement purchase area and a closer settlement lease area and to enable an applicant for any land so set apart to apply for either a settlement purchase or a closer settlement lease at his option ;

(y) to increase the deposit, interest and instalments payable in respect of future settlement purchases ;

(z) to make provisions for the conversion of settlement purchase leases, group purchase leases and closer settlement leases into settlement purchases ;

(aa) to extend the promotion provisions of the Closer Settlement Amendment (Conversion) Act, 1943, as amended, so as to enable married persons to apply for the acquisition of lands under those provisions and to acquire those lands as either settlement purchases or closer settlement leases at their option ;

(bb) to make special provision with respect to the interest and instalments payable in respect of certain settlement purchases, to be called "build-up holdings", which are substantially less than a home maintenance area ;

(cc) to extend the provisions of the Crown Lands Consolidation Act, 1913, as amended, relating to the purchase or resumption of lands for public and certain other purposes without inquiry or report by the local land board so that those provisions apply to purchases and resumptions for all closer settlement purposes;

(dd) to ensure that the Minister shall have and be deemed always to have had power to set apart lands in irrigation areas for disposal as—

(i) irrigation farm purchases and irrigation farm leases ;

(ii) non-irrigable purchases and non-irrigable leases ; or

(iii) town land purchases and town land leases,

and to enable an applicant for any land so set apart to apply for either a purchase or a lease at his option ;

(ee) to provide that applications for tenures within irrigation areas need not be accompanied by a deposit or survey fee ;

(ff) to increase the deposit, interest and instalments payable in respect of certain future irrigation farm purchases and non-irrigable purchases ;

(gg) to remove the restriction on the conversion to purchases of certain leases in irrigation areas and to provide that in respect of conversions of leases within the Coleambally Irrigation Area the purchase price on the conversion shall be calculated on the basis of the annual rental as reduced by the remission at present allowed by reason of the distance of the holding from railway facilities ;

(hh) to remove certain limitations on the area of Crown lands that may be sold by public auction;

(ii) to make other amendments of a minor, consequential or machinery nature.

*PROOF*

No , 1968.

# A BILL

To make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith.

[Mr LEWIS—24 *September*, 1968.]

BE

49911 45—A

*Crown Lands and Closer Settlement (Amendment).*

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

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968". Short title, citation and commencement.

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended— Amendment of Act No. 7, 1913.

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii)

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the Minister is of opinion that the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by him and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv)

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area,

and the Minister—

(c) is of opinion that such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection:—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the Minister is of opinion that the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by him and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area,

and the Minister—

(c) is of opinion that such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) consents to the transfer.

(iv) by omitting subsection (2B) of the same section.

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject". Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended— Amendment of Act No. 38, 1943.

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 11. (Restrictions on transfer.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease"; Sec. 136B. (Application for week-end leases.)

(ii)

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136C the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136C. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c) by omitting subsection two of section 136G; Sec. 136G. (Restriction upon right to hold a week-end lease.)

(d)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases"; Sec. 151. (Successive applications.)

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and"; Sec. 153. (Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight; Sec. 158. (Disqualification by ownership of land.)

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 74. (Special leases for wharfs and jetties.)

(ii)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv)

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv)

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 76. (Special leases: tramway and irrigation purposes.)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

Sec. 190. (Conversion of special lease or church and school lands lease.)

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases"*;

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a license under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v)

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection: —

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :— Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g)

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(b) by inserting next after section eighty-four the following short heading and new section :— New sec. 84A.

*Simultaneous applications.*

Certain applications deemed to be made simultaneously.

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

(d)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,"; Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 119. (Homestead farm: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 125. (Suburban holding application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of"; Sec. 152. (When applications may be withdrawn.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words " any moneys paid in respect of the application"; Sec. 153. (Simultaneous conflicting applications.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of"; Sec. 154. (Applications to be made in good faith.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid"; Sec. 161. (Payment of survey fees.)

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*"; Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(ii)

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received"; Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:— Amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven. Amendment of Act No. 7, 1914. Sec. 7. (Reference to Land and Valuation Court.)

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph: — Sec. 7. (Setting apart.)

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph: — Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months"; Sec. 64B. (Sales by tender.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay"; Sec. 67. (Payment for special purchases under preceding sections.)

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand"; Sec. 68. (Reclamation and purchase of land.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand"; Sec. 70. (Occupation license.)

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable"; Sec. 82A. (Leasing of Crown lands within towns.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter"; Sec. 108. (Original conditional purchase lease: conditions.)

(n)

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board."; Sec. 163. (Addition to conditional purchase or homestead selection.)

(r) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(s) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof Sec. 184. (Conversion of settlement lease or Crown-lease.)

thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand";

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(t) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

(u) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,"; Sec. 189. (Conversion of non-residential conditional purchase.)

(v) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

(w) by omitting from subsection (7B) of section 193A the words "or within three months thereafter"; Sec. 193A. (Conversion of prickly-pear leases.)

(x)

(x) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on"; Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(y) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable"; Sec. 204. (Lease or license, when forfeitable.)

(z) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand"; Sec. 216. (Periods allowed for payment.)

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition

under

under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(bb) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(cc) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day : Sec. 278. (Interest on arrears.)

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(dd) by inserting next after section two hundred and seventy-eight the following short heading and new section :— New sec. 278A.

*Alteration of due dates for payments.*

Alteration of due dates for recurring payments.

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of

the

the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(ee) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the"; Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven". Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter"; Sec. 29. (Settlement purchase, title, and general conditions.)

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d)

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous directions under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (Annual rent.)

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :"; Sec. 9. (Closer settlement leases.)

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

(c) (i) by omitting paragraph (d) of subsection one of section 10A; Sec. 10A. (Payment for improvements.)

(ii) by omitting paragraph (d) of subsection two of the same section;

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due". Sec. 14. (Forfeiture.)

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended— Amendment of Act No. 21, 1916.

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 4A. (Purchase of special holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

(b) by inserting next after subsection six of section 4B the following new subsection :— Sec. 4B. (Soldiers' group purchases.)

(6A) The provisions of paragraphs (b) and (c) of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase the title to which commenced before

before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said paragraph (c) in respect of such a group purchase the direction shall have effect as mentioned in that paragraph notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii)

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

(8) The Western Lands Act of 1901, as subsequently amended, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand"; Sec. 23. (Minister's power to grant leases.)

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A"; Sec. 28B. (Conversion of lease.)

(ii)

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

Alteration of due dates for recurring payments.

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2)

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Interest on arrears —leases.

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

**Interest.**

36C. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

(e) (i) by omitting paragraph (n) of Schedule A; Schedule A.

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended— Amendment of Act No. 31, 1924.

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand"; Sec. 17. (Leasing infested land.)

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B of the Western Lands Act of 1901, as subsequently amended, or section two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11)

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Further amendment of Act No. 7, 1913. Subst. sec. 17A.

*Powers of Delegation.*

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(2)

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5)

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 70, 1901.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :—

Subst. sec. 12A. Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 31, 1924.

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :—

Substituted sec. 7A.

Delegation by Minister.

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Substituted sec. 6A.

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2)

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-six the following new subsections :— Sec. 26. (Qualification to apply for land.)

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for such settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase."; Sec. 27. (Lodgment of applications.)

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that Sec. 29. (Settlement purchase, title, and general conditions.)

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii)

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement

Sec. 30. (Restriction on purchase.)

settlement lease of which the purchase is a conversion : Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections :— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding : Grant.

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended— Amendment of Act No. 44, 1906.

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area"; Sec. 7. (Reservation from sale, selection, or lease.)

(c) by omitting section eight. Sec. 8. (Land not disposed of at end of twelve months.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended— Further amendment of Act No. 21, 1909.

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may"; Sec. 21. (Setting apart for closer settlement.)

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

(b) by inserting next after section twenty-one the following new section :— New sec. 21A.

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended— **Further amendment Act No. 21, 1937.**

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968,"; **Sec. 3. (Instalments and interest.)**

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

PART IIA.

CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7)

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10)

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon the farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph (a1)

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f)

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces."; Sec. 7. (Setting apart.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :— Sec. 8. (Applications for closer settlement leases.)

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsections :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words

Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :— Sec. 9A. (Applications to Minister to acquire lands.)

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

(h) by inserting at the end of section 9D the following new paragraph and new subsection :— Sec. 9D. (Purchase of land.)

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase"; Sec. 9G. (Penalties.)

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :— Sec. 11. (Restrictions on transfer.)

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8C the word "holding" wherever occurring and by inserting in lieu thereof the word "land". Amendment of Act No. 43, 1941. Sec. 8C. (Advances and other assistance to settlers under this Act.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts"; Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11C. Amendment of Act No. 73, 1912. Sec. 11C. (Conversion of leaseholds.)

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :— Sec. 139. (Irrigation area, how dealt with.)

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f)

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty; Sec. 140. (Applications for holdings.)

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c)

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money.";

Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section, in the case of an irrigation farm purchase (other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(f) by inserting at the end of section 144c the following new subsection :— Sec. 144c. (Purchase money where area altered.)

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys"

(h) by inserting next after subsection three of section 146A the following new subsection :— Sec. 146A. (Conditions attaching to subdivisions of purchases.)

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

(j)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147D. (Application to Minister to acquire private lands.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147G. (Purchase of land.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases"; Sec. 147J. (Vesting of land in applicant.)

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—"; Sec. 63. (Sale by auction of Crown lands.)

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands"; Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force"; Sec. 254. (Trespass on Crown lands or dedicated lands).

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister"; Sec. 255. (Removal of trespassers.)

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of".

Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three".

Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

No , 1968.

# A BILL

To make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith.

[Mr LEWIS—24 *September*, 1968.]

BE

49911 45—A

*Crown Lands and Closer Settlement (Amendment).*

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

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968". Short title, citation and commencement.

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended— Amendment of Act No. 7, 1913.

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the Minister is of opinion that the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by him and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv)

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area,

and the Minister—

(c) is of opinion that such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection:—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the Minister is of opinion that the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by him and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area,

and the Minister—

(c) is of opinion that such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) consents to the transfer.

(iv) by omitting subsection (2B) of the same section.

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject". Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended— Amendment of Act No. 38, 1943.

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 11. (Restrictions on transfer.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease"; Sec. 136B. (Application for week-end leases.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136c the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136c. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c) by omitting subsection two of section 136G; Sec. 136G. (Restriction upon right to hold a week-end lease.)

(d)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases"; Sec. 151. (Successive applications.)

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and"; Sec. 153. (Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight; Sec. 158. (Disqualification by ownership of land.)

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 74. (Special leases for wharfs and jetties.)

(ii)

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv)

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 76. (Special leases: tramway and irrigation purposes.)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases"*; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v)

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :— Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g)

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(b) by inserting next after section eighty-four the following short heading and new section :— New sec. 84A.

*Simultaneous applications.*

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and Certain applications deemed to be made simultaneously.

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

(d)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,"; Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 119. (Homestead farm: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 125. (Suburban holding application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of"; Sec. 152. (When applications may be withdrawn.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words "any moneys paid in respect of the application"; Sec. 153. (Simultaneous conflicting applications.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of"; Sec. 154. (Applications to be made in good faith.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid"; Sec. 161. (Payment of survey fees.)

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*"; Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(ii)

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received"; Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

Amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:—

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

Amendment of Act No. 7, 1914. Sec. 7. (Reference to Land and Valuation Court.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven.

Further amendment of Act No. 38, 1943. Sec. 7. (Setting apart.)

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph :—

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph: — Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months"; Sec. 64B. (Sales by tender.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay"; Sec. 67. (Payment for special purchases under preceding sections.)

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand"; Sec. 68. (Reclamation and purchase of land.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand"; Sec. 70. (Occupation license.)

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable"; Sec. 82A. (Leasing of Crown lands within towns.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter"; Sec. 108. (Original conditional purchase lease: conditions.)

(n)

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board."; Sec. 163. (Addition to conditional purchase or homestead selection.)

(r) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(s) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof Sec. 184. (Conversion of settlement lease or Crown-lease.)

thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand";

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(t) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

(u) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,"; Sec. 189. (Conversion of non-residential conditional purchase.)

(v) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

(w) by omitting from subsection (7B) of section 193A the words "or within three months thereafter"; Sec. 193A. (Conversion of prickly-pear leases.)

(x)

(x) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on"; Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(y) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable"; Sec. 204. (Lease or license, when forfeitable.)

(z) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand"; Sec. 216. (Periods allowed for payment.)

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition

under

under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(aa) by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(bb) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(cc) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day : Sec. 278. (Interest on arrears.)

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(dd) by inserting next after section two hundred and seventy-eight the following short heading and new section :— New sec. 278A.

*Alteration of due dates for payments.*

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction. Alteration of due dates for recurring payments.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of

the

the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(ee) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the"; Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven". Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(3)

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter"; Sec. 29. (Settlement purchase, title, and general conditions.)

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d)

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (Annual rent.)

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :"; Sec. 9. (Closer settlement leases.)

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

(c) (i) by omitting paragraph (d) of subsection one of section 10A; Sec. 10A. (Payment for improvements.)

(ii) by omitting paragraph (d) of subsection two of the same section;

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due". Sec. 14. (Forfeiture.)

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended— Amendment of Act No. 21, 1916.

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 4A. (Purchase of special holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

(b) by inserting next after subsection six of section 4B the following new subsection :— Sec. 4B. (Soldiers' group purchases.)

(6A) The provisions of paragraphs (b) and (c) of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase the title to which commenced before

before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said paragraph (c) in respect of such a group purchase the direction shall have effect as mentioned in that paragraph notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

(8) The Western Lands Act of 1901, as subsequently amended, is amended— **Amendment of Act No. 70, 1901.**

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand"; **Sec. 23. (Minister's power to grant leases.)**

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A"; **Sec. 28B. (Conversion of lease.)**

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

Alteration of due dates for recurring payments.

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2)

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Interest on arrears —leases.

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

Interest.

36C. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

(e) (i) by omitting paragraph (n) of Schedule A; Schedule A.

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended— Amendment of Act No. 31, 1924.

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand"; Sec. 17. (Leasing infested land.)

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B of the Western Lands Act of 1901, as subsequently amended, or section two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11)

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Further amendment of Act No. 7, 1913. Subst. sec. 17A.

*Powers of Delegation.*

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4)

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

Delegation by Minister.

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5)

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 70, 1901.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :—

Subst. sec. 12A.

Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :— Further amendment of Act No. 31, 1924. Substituted sec. 7A.

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as Delegation by Minister.

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Substituted sec. 6A.

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2)

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to a prescribed officer may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-six the following new subsections :— Sec. 26. (Qualification to apply for land.)

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for a settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase."; Sec. 27. (Lodgment of applications.)

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that Sec. 29. (Settlement purchase, title, and general conditions.)

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii)

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement

Sec. 30. (Restriction on purchase.)

settlement lease of which the purchase is a conversion : Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections :— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

Grant.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding :

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

(2)

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended— Amendment of Act No. 44, 1906.

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area"; Sec. 7. (Reservation from sale, selection, or lease.)

(c) by omitting section eight. Sec. 8. (Land not disposed of at end of twelve months.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended— Further amendment of Act No. 21, 1909.

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may"; Sec. 21. (Setting apart for closer settlement.)

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

(b) by inserting next after section twenty-one the following new section :— New sec. 21A.

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended— **Further amendment Act No. 21, 1937.**

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act. 1968,"; **Sec. 3. (Instalments and interest.)**

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

PART IIA.

CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7)

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10)

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon such farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph (a1)

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f)

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces."; Sec. 7. (Setting apart.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :— Sec. 8. (Applications for closer settlement leases.)

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsection :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(2) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :— Sec. 9A. (Applications to Minister to acquire lands.)

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

(h) by inserting at the end of section 9D the following new paragraph and new subsection :— Sec. 9D. (Purchase of land.)

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase"; Sec. 9G. (Penalties.)

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :— Sec. 11. (Restrictions on transfer.)

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8C the word "holding" wherever occurring and by inserting in lieu thereof the word "land". Amendment of Act No. 43, 1941. Sec. 8C. (Advances and other assistance to settlers under this Act.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts"; Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11C. Amendment of Act No. 73, 1912. Sec. 11C. (Conversion of leaseholds.)

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :— Sec. 139. (Irrigation area, how dealt with.)

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f)

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty; Sec. 140. (Applications for holdings.)

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c)

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money."; Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section, in the case of an irrigation farm purchase (other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(f) by inserting at the end of section 144C the following new subsection :— Sec. 144C. (Purchase money where area altered.)

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys";

(h) by inserting next after subsection three of section 146A the following new subsection :— Sec. 146A. (Conditions attaching to subdivisions of purchases.)

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply—interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

(j)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147D. (Application to Minister to acquire private lands.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147G. (Purchase of land.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases"; Sec. 147J. (Vesting of land in applicant.)

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one of section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—"; Sec. 63. (Sale by auction of Crown lands.)

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands"; Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force"; Sec. 254. (Trespass on Crown lands or dedicated lands).

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister"; Sec. 255. (Removal of trespassers.)

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of". Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three". Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968
[95c]

*This* PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 20 *November,* 1968.

# New South Wales

ANNO SEPTIMO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. , 1968.

An Act to make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith.

BE

49911 45—A

*Crown Lands and Closer Settlement (Amendment).*

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

Short title, citation and commencement.

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968".

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

Amendment of Act No. 7, 1913.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended—

Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii)

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the Minister is of opinion that the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by him and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv)

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area,

and the Minister—

(c) is of opinion that such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection:—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the Minister is of opinion that the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by him and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area,

and the Minister—

(c) is of opinion that such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) consents to the transfer.

(iv) by omitting subsection (2B) of the same section.

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject". Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended— Amendment of Act No. 38, 1943.

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 11. (Restrictions on transfer.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease"; Sec. 136B. (Application for week-end leases.)

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136C the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136C. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c) by omitting subsection two of section 136G; Sec. 136G. (Restriction upon right to hold a week-end lease.)

(d)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases"; Sec. 151. (Successive applications.)

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and"; Sec. 153. (Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight; Sec. 158. (Disqualification by ownership of land.)

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 74. (Special leases for wharfs and jetties.)

(ii)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv)

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 76. (Special leases: tramway and irrigation purposes.)

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases"*; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :— Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g)

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(b) by inserting next after section eighty-four the following short heading and new section :— New sec. 84A.

*Simultaneous applications.*

Certain applications deemed to be made simultaneously.

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

(d)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,"; Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 119. (Homestead farm: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 125. (Suburban holding application, how made and dealt with.)

(ii)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of"; Sec. 152. (When applications may be withdrawn.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words "any moneys paid in respect of the application"; Sec. 153. (Simultaneous conflicting applications.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of"; Sec. 154. (Applications to be made in good faith.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid"; Sec. 161. (Payment of survey fees.)

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*"; Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(ii)

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

Further amendment of Act No. 37, 1904.

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended—

Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received";

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

Amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:—

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

Amendment of Act No. 7, 1914. Sec. 7. (Reference to Land and Valuation Court.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven.

Further amendment of Act No. 38, 1943.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 7. (Setting apart.)

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph :—

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph: — Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months"; Sec. 64B. (Sales by tender.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay"; Sec. 67. (Payment for special purchases under preceding sections.)

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand"; Sec. 68. (Reclamation and purchase of land.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand"; Sec. 70. (Occupation license.)

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this paragraph are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable"; Sec. 82A. (Leasing of Crown lands within towns.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter"; Sec. 108. (Original conditional purchase lease: conditions.)

(n)

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this section are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board."; Sec. 163. (Addition to conditional purchase or homestead selection.)

(r) by omitting from section one hundred and eighty the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: — Sec. 180. (Deferring of payments.)

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(s)

(s) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(t) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 184. (Conversion of settlement lease or Crown-lease.)

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(u) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

(v) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,"; Sec. 189. (Conversion of non-residential conditional purchase.)

(w) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

(x) by omitting from subsection (7B) of section 193A the words "or within three months thereafter"; Sec. 193A. (Conversion of prickly-pear leases.)

(y) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on"; Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(z) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable"; Sec. 204. (Lease or license, when forfeitable.)

(aa) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such Sec. 216. (Periods allowed for payment.)

value

value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand";

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(bb) by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(cc) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(dd) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for Sec. 278. (Interest on arrears.)

improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ee) by inserting next after section two hundred and seventy-eight the following short heading and new section :— New sec. 278A.

*Alteration of due dates for payments.*

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction. Alteration of due dates for recurring payments.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3)

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ff) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the";

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven". Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) (i) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter"; Sec. 29. (Settlement purchase, title, and general conditions.)

(ii) by omitting from subsection four of the same section the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: —

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b)

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d)

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (Annual rent.)

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :"; Sec. 9. (Closer settlement leases.)

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

(c) (i) by omitting paragraph (d) of subsection one of section 10A; Sec. 10A. (Payment for improvements.)

(ii) by omitting paragraph (d) of subsection two of the same section;

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due". Sec. 14. (Forfeiture.)

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended— Amendment of Act No. 21, 1916.

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 4A. (Purchase of special holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

(b) by inserting next after subsection six of section 4B the following new subsection :— Sec. 4B. (Soldiers' group purchases.)

(6A) The provisions of paragraph (b) of subsection one, and the provisions of subsection two of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase

purchase the title to which commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said subsection two in respect of such a group purchase the direction shall have effect as mentioned in that subsection notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

(8) The Western Lands Act of 1901, as subsequently amended, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand"; Sec. 23. (Minister's power to grant leases.)

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A"; Sec. 28B. (Conversion of lease.)

(ii)

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

Alteration of due dates for recurring payments.

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be

payable

payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Interest on arrears —leases.

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that

rate

rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

Interest.

36C. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

(e)

(e) (i) by omitting paragraph (n) of Schedule A; Schedule A.

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended— Amendment of Act No. 31, 1924.

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand"; Sec. 17. (Leasing infested land.)

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B or 36C of the Western Lands Act of 1901, as subsequently amended, or section one hundred and eighty or two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under

any

any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

Further amendment of Act No. 7, 1913.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Subst. sec. 17A.

*Powers of Delegation.*

Delegation by Minister.

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function

function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(8) In this section, "Minister" includes any Minister on whom any powers, authorities, duties or functions are conferred or imposed by or under this Act or the regulations.

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

Delegation by Minister.

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 70, 1901.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :—

Subst. sec. 12A.

Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :— Further amendment of Act No. 31, 1924. Substituted sec. 7A.

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as Delegation by Minister.

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Substituted sec. 6A.

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2)

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-six the following new subsections :— Sec. 26. (Qualification to apply for land.)

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for a settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase."; Sec. 27. (Lodgment of applications.)

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that Sec. 29. (Settlement purchase, title, and general conditions.)

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement

Sec. 30. (Restriction on purchase.)

settlement lease of which the purchase is a conversion : Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections :— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

Grant.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding :

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended— Amendment of Act No. 44, 1906.

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area"; Sec. 7. (Reservation from sale, selection, or lease.)

(c) by omitting section eight. Sec. 8. (Land not disposed of at end of twelve months.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended— Further amendment of Act No. 21, 1909.

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may"; Sec. 21. (Setting apart for closer settlement.)

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

(b) by inserting next after section twenty-one the following new section :— New sec. 21A.

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4)

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended— **Further amendment of Act No. 21, 1937.**

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act. 1968,"; **Sec. 3. (Instalments and interest.)**

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

PART IIA.

CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

4A.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred

deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

Where a purchase is declared to have lapsed under this subsection, the application for conversion shall be deemed not to have been made, the surrender of the perpetual lease grant, if any, shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have any such grant returned to him.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner as

as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon such farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than

on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.";

Sec. 7. (Setting apart.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :—

Sec. 8. (Applications for closer settlement leases.)

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsection :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(2) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :— Sec. 9A. (Applications to Minister to acquire lands.)

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

(h) by inserting at the end of section 9D the following new paragraph and new subsection :— Sec. 9D. (Purchase of land.)

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2)

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase"; Sec. 9G. (Penalties.)

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :— Sec. 11. (Restrictions on transfer.)

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8C the word "holding" wherever occurring and by inserting in lieu thereof the word "land". Amendment of Act No. 43, 1941. Sec. 8C. (Advances and other assistance to settlers under this Act.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts"; Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11C. Amendment of Act No. 73, 1912. Sec. 11C. (Conversion of leaseholds.)

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :— Sec. 139. (Irrigation area, how dealt with.)

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f)

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty; Sec. 140. (Applications for holdings.)

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c)

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money."; Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section, in the case of an irrigation farm purchase (other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(f) by inserting at the end of section 144C the following new subsection :— Sec. 144C. (Purchase money where area altered.)

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister

is

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys";

(h) by inserting next after subsection three of section 146A the following new subsection :— Sec. 146A. (Conditions attaching to subdivisions of purchases.)

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply—interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

(j)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147D. (Application to Minister to acquire private lands.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147G. (Purchase of land.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases"; Sec. 147J. (Vesting of land in applicant.)

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one of section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—"; Sec. 63. (Sale by auction of Crown lands.)

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands"; Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force"; Sec. 254. (Trespass on Crown lands or dedicated lands.)

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister"; Sec. 255. (Removal of trespassers.)

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of".

Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three".

Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968
[95c]

*This* PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 20 *November,* 1968.

*The* LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,*
*Sydney,* *November,* 1968.

# New South Wales

ANNO SEPTIMO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. , 1968.

An Act to make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith.

BE

49911 45—A

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

*Crown Lands and Closer Settlement (Amendment).*

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

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968". Short title, citation and commencement.

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended— Amendment of Act No. 7, 1913.

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii)

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the ~~Minister is of opinion that~~ **local land board reports that in its opinion** the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by ~~him~~ **the Minister** and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv)

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area, **and**

~~and the Minister—~~

(c) ~~is of opinion that~~ **the local land board reports that in its opinion** such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) **the Minister** consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection:—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the ~~Minister is of opinion that~~ **local land board reports that in its opinion** the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by ~~him~~ **the Minister** and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area, **and**

~~and the Minister—~~

(c) ~~is of opinion that~~ **the local land board reports that in its opinion** such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) **the Minister** consents to the transfer.

(iv) by omitting subsection (2B) of the same section.

**(c) by inserting in section two hundred and seventy-six after the word "Act." the following new proviso:— (Home maintenance area: what lands are to be taken into account.)** Sec. 276.

**Provided that, in relation to any other lands in which the person concerned holds or proposes to acquire a partial interest, there shall be taken into account such proportion of the other lands as the Minister, the Commission or the local land board thinks proper having regard to the extent of that person's interest in those other lands.**

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject". Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended— Amendment of Act No. 38, 1943.

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 11. (Restrictions on transfer.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease"; Sec. 136B. (Application for week-end leases.)

(ii)

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136C the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136C. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c) by omitting subsection two of section 136G; Sec. 136G. (Restriction upon right to hold a week-end lease.)

(d)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases"; Sec. 151. (Successive applications.)

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and"; Sec. 153. (Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight; Sec. 158. (Disqualification by ownership of land.)

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 74. (Special leases for wharfs and jetties.)

(ii)

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv)

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv)

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 76. (Special leases: tramway and irrigation purposes.)

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases"*; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :— Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(b) by inserting next after section eighty-four the following short heading and new section :— New sec. 84A.

*Simultaneous applications.*

Certain applications deemed to be made simultaneously.

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

(d)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,"; Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 119. (Homestead farm: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 125. (Suburban holding application, how made and dealt with.)

(ii)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of"; Sec. 152. (When applications may be withdrawn.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words "any moneys paid in respect of the application"; Sec. 153. (Simultaneous conflicting applications.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of"; Sec. 154. (Applications to be made in good faith.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid"; Sec. 161. (Payment of survey fees.)

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*"; Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(ii)

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

Further amendment of Act No. 37, 1904.

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended—

Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received";

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

Amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:—

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

Amendment of Act No. 7, 1914. Sec. 7. (Reference to Land and Valuation Court.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven.

Further amendment of Act No. 38, 1943.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 7. (Setting apart.)

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph : —

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph: — Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months"; Sec. 64B. (Sales by tender.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay"; Sec. 67. (Payment for special purchases under preceding sections.)

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand"; Sec. 68. (Reclamation and purchase of land.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand"; Sec. 70. (Occupation license.)

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this paragraph are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable"; Sec. 82A. (Leasing of Crown lands within towns.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter"; Sec. 108. (Original conditional purchase lease: conditions.)

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this section are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board."; Sec. 163. (Addition to conditional purchase or homestead selection.)

(r) by omitting from section one hundred and eighty the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: — Sec. 180. (Deferring of payments.)

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(s) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(t) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 184. (Conversion of settlement lease or Crown-lease.)

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(u) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

(v) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,"; Sec. 189. (Conversion of non-residential conditional purchase.)

(w) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

(x) by omitting from subsection (7B) of section 193A the words "or within three months thereafter"; Sec. 193A. (Conversion of prickly-pear leases.)

(y) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on"; Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(z) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable"; Sec. 204. (Lease or license, when forfeitable.)

(aa) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such Sec. 216. (Periods allowed for payment.)

value

value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand";

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(bb) by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(cc) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(dd) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for Sec. 278. (Interest on arrears.)

improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ee) by inserting next after section two hundred and seventy-eight the following short heading and new section :— New sec. 278A.

*Alteration of due dates for payments.*

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction. Alteration of due dates for recurring payments.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3)

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(ff) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the"; Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven". Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) (i) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter"; Sec. 29. (Settlement purchase, title, and general conditions.)

(ii) by omitting from subsection four of the same section the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: —

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b)

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (Annual rent.)

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :"; Sec. 9. (Closer settlement leases.)

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

(c) (i) by omitting paragraph (d) of subsection one of section 10A; Sec. 10A. (Payment for improvements.)

(ii) by omitting paragraph (d) of subsection two of the same section;

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due". Sec. 14. (Forfeiture.)

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended— Amendment of Act No. 21, 1916.

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 4A. (Purchase of special holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

(b) by inserting next after subsection six of section 4B the following new subsection :— Sec. 4B. (Soldiers' group purchases.)

(6A) The provisions of paragraph (b) of subsection one, and the provisions of subsection two of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase

purchase the title to which commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said subsection two in respect of such a group purchase the direction shall have effect as mentioned in that subsection notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii)

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

(8) The Western Lands Act of 1901, as subsequently amended, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand"; Sec. 23. (Minister's power to grant leases.)

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A"; Sec. 28B. (Conversion of lease.)

(ii)

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

Alteration of due dates for recurring payments.

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be

payable

payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Interest on arrears —leases.

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that

rate

rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

Interest.

36C. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

(e)

(e) (i) by omitting paragraph (n) of Schedule A; Schedule A.

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended— Amendment of Act No. 31, 1924.

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand"; Sec. 17. (Leasing infested land.)

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B or 36C of the Western Lands Act of 1901, as subsequently amended, or section one hundred and eighty or two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under any

any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

Further amendment of Act No. 7, 1913.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Subst. sec. 17A.

*Powers of Delegation.*

Delegation by Minister.

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function

function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(8) In this section, "Minister" includes any Minister on whom any powers, authorities, duties or functions are conferred or imposed by or under this Act or the regulations.

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

Delegation by Minister.

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :— Further amendment of Act No. 70, 1901.

Subst. sec. 12A. Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :— Further amendment of Act No. 31, 1924. Substituted sec. 7A.

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as Delegation by Minister.

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Substituted sec. 6A.

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-six the following new subsections :— Sec. 26. (Qualification to apply for land.)

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for a settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase."; Sec. 27. (Lodgment of applications.)

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that Sec. 29. (Settlement purchase, title, and general conditions.)

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement

Sec. 30. (Restriction on purchase.)

settlement lease of which the purchase is a conversion: Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections:— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

Grant.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding :

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended— Amendment of Act No. 44, 1906.

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area"; Sec. 7. (Reservation from sale, selection, or lease.)

(c) by omitting section eight. Sec. 8. (Land not disposed of at end of twelve months.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended— Further amendment of Act No. 21, 1909.

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may"; Sec. 21. (Setting apart for closer settlement.)

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

(b) by inserting next after section twenty-one the following new section :— New sec. 21A.

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4)

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended— Further amendment of Act No. 21, 1937.

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968,"; Sec. 3. (Instalments and interest.)

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

PART IIA.

CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred

deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

Where a purchase is declared to have lapsed under this subsection, the application for conversion shall be deemed not to have been made, the surrender of the perpetual lease grant, if any, shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have any such grant returned to him.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner as

as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon such farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph (a1)

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces."; Sec. 7. (Setting apart.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :— Sec. 8. (Applications for closer settlement leases.)

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsection :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(2) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :— Sec. 9A. (Applications to Minister to acquire lands.)

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

(h) by inserting at the end of section 9D the following new paragraph and new subsection :— Sec. 9D. (Purchase of land.)

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase"; Sec. 9G. (Penalties.)

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :— Sec. 11. (Restrictions on transfer.)

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8C the word "holding" wherever occurring and by inserting in lieu thereof the word "land". Amendment of Act No. 43, 1941. Sec. 8C. (Advances and other assistance to settlers under this Act.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts"; Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11C. Amendment of Act No. 73, 1912. Sec. 11C. (Conversion of leaseholds.)

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :— Sec. 139. (Irrigation area, how dealt with.)

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f)

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty; Sec. 140. (Applications for holdings.)

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c)

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money."; Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section in the case of an irrigation farm purchase (other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(f) by inserting at the end of section 144C the following new subsection :— Sec. 144C. (Purchase money where area altered.)

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister

is

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys";

(h) by inserting next after subsection three of section 146A the following new subsection :— Sec. 146A. (Conditions attaching to sub-divisions of purchases.)

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply—interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for

payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

(j)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147D. (Application to Minister to acquire private lands.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147G. (Purchase of land.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases"; Sec. 147J. (Vesting of land in applicant.)

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one of section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—"; Sec. 63. (Sale by auction of Crown lands.)

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands"; Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force"; Sec. 254. (Trespass on Crown lands or dedicated lands.)

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister"; Sec. 255. (Removal of trespassers.)

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of".

Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three".

Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

*This* PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

I. P. K. VIDLER,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 20 *November,* 1968.

*The* LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

J. R. STEVENSON,
*Clerk of the Parliaments.*

*Legislative Council Chamber,*
*Sydney,* 27 *November,* 1968.

# New South Wales

ANNO SEPTIMO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. , 1968.

An Act to make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith.

BE

49911 45—A

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

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

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968". Short title, citation and commencement.

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended— Amendment of Act No. 7, 1913.

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii)

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the ~~Minister is of opinion that~~ **local land board reports that in its opinion** the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by ~~him~~ **the Minister** and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv)

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area, **and**

~~and the Minister—~~

(c) ~~is of opinion that~~ **the local land board reports that in its opinion** such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) **the Minister** consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection:—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the ~~Minister is of opinion that~~ **local land board reports that in its opinion** the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by ~~him~~ **the Minister** and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area, **and**

~~and the Minister—~~

(c) ~~is of opinion that~~ **the local land board reports that in its opinion** such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) **the Minister** consents to the transfer.

(iv) by omitting subsection (2B) of the same section.

**(c) by inserting in section two hundred and seventy-six after the word "Act." the following new proviso:— Sec. 276. (Home maintenance area: what lands are to be taken into account.)**

**Provided that, in relation to any other lands in which the person concerned holds or proposes to acquire a partial interest, there shall be taken into account such proportion of the other lands as the Minister, the Commission or the local land board thinks proper having regard to the extent of that person's interest in those other lands.**

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject". Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended— Amendment of Act No. 38, 1943.

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,"; Sec. 11. (Restrictions on transfer.)

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease"; Sec. 136B. (Application for week-end leases.)

(ii)

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136C the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136C. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c) by omitting subsection two of section 136G; Sec. 136G. (Restriction upon right to hold a week-end lease.)

(d)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases"; Sec. 151. (Successive applications.)

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and"; Sec. 153. (Simultaneous conflicting applications.)

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight; Sec. 158. (Disqualification by ownership of land.)

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 74. (Special leases for wharfs and jetties.)

(ii)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; Sec. 76. (Special leases: tramway and irrigation purposes.)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases"*; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection: —

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :— Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(b) by inserting next after section eighty-four the following short heading and new section :— New sec. 84A.

*Simultaneous applications.*

Certain applications deemed to be made simultaneously.

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

(d)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,"; Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 119. (Homestead farm: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 125. (Suburban holding application, how made and dealt with.)

(ii)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of"; Sec. 152. (When applications may be withdrawn.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words "any moneys paid in respect of the application"; Sec. 153. (Simultaneous conflicting applications.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of"; Sec. 154. (Applications to be made in good faith.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid"; Sec. 161. (Payment of survey fees.)

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*"; Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(ii)

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

Further amendment of Act No. 37, 1904.

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended—

Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received";

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:— Amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven. Amendment of Act No. 7, 1914. Sec. 7. (Reference to Land and Valuation Court.)

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph : — Sec. 7. (Setting apart.)

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph: — Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months"; Sec. 64B. (Sales by tender.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay"; Sec. 67. (Payment for special purchases under preceding sections.)

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand"; Sec. 68. (Reclamation and purchase of land.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand"; Sec. 70. (Occupation license.)

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this paragraph are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable"; Sec. 82A. (Leasing of Crown lands within towns.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter"; Sec. 108. (Original conditional purchase lease: conditions.)

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this section are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board."; Sec. 163. (Addition to conditional purchase or homestead selection.)

(r) by omitting from section one hundred and eighty the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: — Sec. 180. (Deferring of payments.)

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(s)

(s) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(t) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 184. (Conversion of settlement lease or Crown-lease.)

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(u) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

(v) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,"; Sec. 189. (Conversion of non-residential conditional purchase.)

(w) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

(x) by omitting from subsection (7B) of section 193A the words "or within three months thereafter"; Sec. 193A. (Conversion of prickly-pear leases.)

(y) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on"; Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(z) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable"; Sec. 204. (Lease or license, when forfeitable.)

(aa) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such Sec. 216. (Periods allowed for payment.)

value

value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand";

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(bb) by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(cc) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(dd) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for Sec. 278. (Interest on arrears.)

improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ee) by inserting next after section two hundred and seventy-eight the following short heading and new section :— New sec. 278A.

*Alteration of due dates for payments.*

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction. Alteration of due dates for recurring payments.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3)

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(ff) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the"; Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v)

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven". Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) (i) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter"; Sec. 29. (Settlement purchase, title, and general conditions.)

(ii) by omitting from subsection four of the same section the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: —

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b)

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day: Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d)

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Further amendment of Act No. 38, 1943.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 3. (Annual rent.)

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :—

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :"; Sec. 9. (Closer settlement leases.)

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

(c) (i) by omitting paragraph (d) of subsection one of section 10A; Sec. 10A. (Payment for improvements.)

(ii) by omitting paragraph (d) of subsection two of the same section;

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due". Sec. 14. (Forfeiture.)

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended— Amendment of Act No. 21, 1916.

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 4A. (Purchase of special holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

(b) by inserting next after subsection six of section 4B the following new subsection :— Sec. 4B. (Soldiers' group purchases.)

(6A) The provisions of paragraph (b) of subsection one, and the provisions of subsection two of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase

purchase the title to which commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said subsection two in respect of such a group purchase the direction shall have effect as mentioned in that subsection notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

(8) The Western Lands Act of 1901, as subsequently amended, is amended— Amendment of Act No. 70, 1901.

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand"; Sec. 23. (Minister's power to grant leases.)

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A"; Sec. 28B. (Conversion of lease.)

(ii)

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

Alteration of due dates for recurring payments.

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be

payable

payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Interest on arrears —leases.

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate

rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

Interest.

36C. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

(e)

(e) (i) by omitting paragraph (n) of Schedule A; Schedule A.

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended— Amendment of Act No. 31, 1924.

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand"; Sec. 17. (Leasing infested land.)

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B or 36C of the Western Lands Act of 1901, as subsequently amended, or section one hundred and eighty or two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under

any

any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

Further amendment of Act No. 7, 1913.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Subst. sec. 17A.

*Powers of Delegation.*

Delegation by Minister.

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function

function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(8) In this section, "Minister" includes any Minister on whom any powers, authorities, duties or functions are conferred or imposed by or under this Act or the regulations.

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 70, 1901.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :—

Subst. sec. 12A. Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such

of

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :— Further amendment of Act No. 31, 1924. Substituted sec. 7A.

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations Delegation by Minister.

as

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Substituted sec. 6A.

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2)

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-six the following new subsections :— Sec. 26. (Qualification to apply for land.)

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for a settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase."; Sec. 27. (Lodgment of applications.)

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that Sec. 29. (Settlement purchase, title, and general conditions.)

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii)

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement Sec. 30. (Restriction on purchase.)

settlement lease of which the purchase is a conversion : Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections :— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding : Grant.

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended— Amendment of Act No. 44, 1906.

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :— Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area"; Sec. 7. (Reservation from sale, selection, or lease.)

(c) by omitting section eight. Sec. 8. (Land not disposed of at end of twelve months.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended— Further amendment of Act No. 21, 1909.

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may"; Sec. 21. (Setting apart for closer settlement.)

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

(b) by inserting next after section twenty-one the following new section :— New sec. 21A.

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4)

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended— **Further amendment of Act No. 21, 1937.**

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968,"; **Sec. 3. (Instalments and interest.)**

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

PART IIA.

CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

4A.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred

deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

Where a purchase is declared to have lapsed under this subsection, the application for conversion shall be deemed not to have been made, the surrender of the perpetual lease grant, if any, shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have any such grant returned to him.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner

as

as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon such farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than

on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f)

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces."; Sec. 7. (Setting apart.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :— Sec. 8. (Applications for closer settlement leases.)

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsection :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(2) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :— Sec. 9A. (Applications to Minister to acquire lands.)

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

(h) by inserting at the end of section 9D the following new paragraph and new subsection :— Sec. 9D. (Purchase of land.)

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2)

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase"; Sec. 9G. (Penalties.)

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :— Sec. 11. (Restrictions on transfer.)

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8C the word "holding" wherever occurring and by inserting in lieu thereof the word "land". Amendment of Act No. 43, 1941. Sec. 8C. (Advances and other assistance to settlers under this Act.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts"; Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11C. Amendment of Act No. 73, 1912. Sec. 11C. (Conversion of leaseholds.)

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :— Sec. 139. (Irrigation area, how dealt with.)

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f)

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty; Sec. 140. (Applications for holdings.)

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money.";

Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section in the case of an irrigation farm purchase

(other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(f) by inserting at the end of section 144c the following new subsection :— Sec. 144c. (Purchase money where area altered.)

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister

is

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys";

(h) by inserting next after subsection three of section 146A the following new subsection :— Sec. 146A. (Conditions attaching to subdivisions of purchases.)

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply—interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

(j)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147D. (Application to Minister to acquire private lands.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease"; Sec. 147G. (Purchase of land.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases"; Sec. 147J. (Vesting of land in applicant.)

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one of section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—"; Sec. 63. (Sale by auction of Crown lands.)

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands"; Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force"; Sec. 254. (Trespass on Crown lands or dedicated lands.)

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister"; Sec. 255. (Removal of trespassers.)

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of".

Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three".

Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

BY AUTHORITY:
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[95c]

# New South Wales

ANNO SEPTIMO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. 61, 1968.

An Act to make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith. [Assented to, 16th December, 1968.]

BE

P 63733—1 [95c]

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

Short title, citation and commencement.

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968".

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

Amendment of Act No. 7, 1913.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended—

Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection :—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the local land board reports that in its opinion the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by the Minister and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area; and

(c) the local land board reports that in its opinion such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) the Minister consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection:—

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the local land board reports that in its opinion the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by the Minister and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area; and

(c) the local land board reports that in its opinion such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) the Minister consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

Sec. 276. (Home maintenance area: what lands are to be taken into account.)

(c) by inserting in section two hundred and seventy-six after the word "Act." the following new proviso:—

Provided that, in relation to any other lands in which the person concerned holds or proposes to acquire a partial interest, there shall be taken into account such proportion of the other lands as the Minister, the Commission or the local land board thinks proper having regard to the extent of that person's interest in those other lands.

Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

Amendment of Act No. 38, 1943. Sec. 11. (Restrictions on transfer.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended—

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

Further amendment of Act No. 7, 1913. Sec. 136B. (Application for week-end leases.)

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in

in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease";

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136C the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136C. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c)

Sec. 136G. (Restriction upon right to hold a week-end lease.)

(c) by omitting subsection two of section 136G;

Sec. 151. (Successive applications.)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases";

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

Sec. 153. (Simultaneous conflicting applications.)

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and";

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

Sec. 158. (Disqualification by ownership of land.)

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight;

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

Further amendment of Act No. 7, 1913.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

Sec. 74. (Special leases for wharfs and jetties.)

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; (ii)

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof";

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv)

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit";

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

Sec. 76. (Special leases: tramway and irrigation purposes.)

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The";

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

Sec. 190. (Conversion of special lease or church and school lands lease.)

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases"*;

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :—

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g)

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

New sec. 84A.

(b) by inserting next after section eighty-four the following short heading and new section :—

*Simultaneous applications.*

Certain applications deemed to be made simultaneously.

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,";

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

Sec. 119. (Homestead farm: application, how made and dealt with.)

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof";

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

Sec. 125. (Suburban holding application, how made and dealt with.)

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof";

(ii)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

Sec. 152. (When applications may be withdrawn.)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of";

Sec. 153. (Simultaneous conflicting applications.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words "any moneys paid in respect of the application";

Sec. 154. (Applications to be made in good faith.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of";

Sec. 161. (Payment of survey fees.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid";

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*";

(ii)

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received"; Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

Amendment of Act No. 21, 1909.

Sec. 21. (Setting apart for closer settlement.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:—

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

Amendment of Act No. 7, 1914.

Sec. 7. (Reference to Land and Valuation Court.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven.

Further amendment of Act No. 38, 1943.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 7. (Setting apart.)

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph:—

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph :— Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

Sec. 64B. (Sales by tender.)

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months";

Sec. 67. (Payment for special purchases under preceding sections.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay";

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

Sec. 68. (Reclamation and purchase of land.)

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand";

Sec. 70. (Occupation license.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand";

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

Sec. 82A. (Leasing of Crown lands within towns.)

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this paragraph are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

Sec. 108. (Original conditional purchase lease: conditions.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter";

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this section are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

Sec. 163. (Addition to conditional purchase or homestead selection.)

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board.";

Sec. 180. (Deferring of payments.)

(r) by omitting from section one hundred and eighty the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words : —

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(s)

(s) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(t) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 184. (Conversion of settlement lease or Crown-lease.)

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(u) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

Sec. 189. (Conversion of non-residential conditional purchase.)

(v) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,";

Sec. 190. (Conversion of special lease or church and school lands lease.)

(w) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand";

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

Sec. 193A. (Conversion of prickly-pear leases.)

(x) by omitting from subsection (7B) of section 193A the words "or within three months thereafter";

Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(y) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on";

Sec. 204. (Lease or license, when forfeitable.)

(z) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable";

Sec. 216. (Periods allowed for payment.)

(aa) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such

value

value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand";

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(bb) by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(cc) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(dd) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for improvements Sec. 278. (Interest on arrears.)

improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

New sec. 278A.

(ee) by inserting next after section two hundred and seventy-eight the following short heading and new section :—

*Alteration of due dates for payments.*

Alteration of due dates for recurring payments.

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3)

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

(ff) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the"; Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven".

Further amendment of Act No. 37, 1904.

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended—

Sec. 29. (Settlement purchase, title, and general conditions.)

(a) (i) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter";

(ii) by omitting from subsection four of the same section the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words: —

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b)

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d)

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Further amendment of Act No. 38, 1943.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 3. (Annual rent.)

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :—

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

Sec. 9. (Closer settlement leases.)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :";

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

Sec. 10A. (Payment for improvements.)

(c) (i) by omitting paragraph (d) of subsection one of section 10A;

(ii) by omitting paragraph (d) of subsection two of the same section;

Sec. 14. (Forfeiture.)

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due".

Amendment of Act No. 21, 1916.

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended—

Sec. 4A. (Purchase of special holdings.)

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand";

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

Sec. 4B. (Soldiers' group purchases.)

(b) by inserting next after subsection six of section 4B the following new subsection :—

(6A) The provisions of paragraph (b) of subsection one, and the provisions of subsection two of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase

purchase the title to which commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said subsection two in respect of such a group purchase the direction shall have effect as mentioned in that subsection notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii)

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

Amendment of Act No. 70, 1901.

(8) The Western Lands Act of 1901, as subsequently amended, is amended—

Sec. 23. (Minister's power to grant leases.)

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand";

Sec. 28B. (Conversion of lease.)

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(ii)

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction. Alteration of due dates for recurring payments.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be

payable

payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

**Interest on arrears —leases.**

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that rate

rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

Interest.

36c. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

Schedule A.

(e) (i) by omitting paragraph (n) of Schedule A;

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

Amendment of Act No. 31, 1924.

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended—

Sec. 17. (Leasing infested land.)

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand";

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :—

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B or 36C of the Western Lands Act of 1901, as subsequently amended, or section one hundred and eighty or two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under any

any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

Further amendment of Act No. 7, 1913.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

Subst. sec. 17A.

*Powers of Delegation.*

Delegation by Minister.

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function

function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(8) In this section, "Minister" includes any Minister on whom any powers, authorities, duties or functions are conferred or imposed by or under this Act or the regulations.

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 70, 1901.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :—

Subst. sec. 12A.

Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such

of

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder

of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 31, 1924.

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :—

Substituted sec. 7A.

Delegation by Minister.

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations

as

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902. Substituted sec. 6A.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2)

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by inserting at the end of section twenty-six the following new subsections :— Sec. 26. (Qualification to apply for land.)

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for a settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

Sec. 27. (Lodgment of applications.)

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase.";

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

Sec. 29. (Settlement purchase, title, and general conditions.)

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

Sec. 30. (Restriction on purchase.)

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement

settlement lease of which the purchase is a conversion : Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections :— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding : Grant.

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

Amendment of Act No. 44, 1906.

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended—

Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :—

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

Sec. 7. (Reservation from sale, selection, or lease.)

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area";

Sec. 8. (Land not disposed of at end of twelve months.)

(c) by omitting section eight.

Further amendment of Act No. 21, 1909.

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended—

Sec. 21. (Setting apart for closer settlement.)

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may";

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

(b)

New sec. 21A.

(b) by inserting next after section twenty-one the following new section :—

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4)

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

Further amendment of Act No. 21, 1937.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended—

Sec. 3. (Instalments and interest.)

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968,";

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act,

1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

## PART IIA.

### CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred

deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

Where a purchase is declared to have lapsed under this subsection, the application for conversion shall be deemed not to have been made, the surrender of the perpetual lease grant, if any, shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have any such grant returned to him.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner

as

as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon such farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than

on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

Sec. 7. (Setting apart.)

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.";

Sec. 8. (Applications for closer settlement leases.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :—

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsection :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(2) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words

Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

Sec. 9A. (Applications to Minister to acquire lands.)

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :—

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

Sec. 9D. (Purchase of land.)

(h) by inserting at the end of section 9D the following new paragraph and new subsection :—

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2)

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

Sec. 9G. (Penalties.)

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase";

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

Sec. 11. (Restrictions on transfer.)

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :—

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease

shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

(6)

Amendment of Act No. 43, 1941.

Sec. 8c. (Advances and other assistance to settlers under this Act.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8c the word "holding" wherever occurring and by inserting in lieu thereof the word "land".

Further amendment of Act No. 7, 1913.

Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11c. Amendment of Act No. 73, 1912. Sec. 11c. (Conversion of leaseholds.)

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :— Sec. 139. (Irrigation area, how dealt with.)

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

Sec. 140. (Applications for holdings.)

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty;

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c)

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money."; Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section in the case of an irrigation farm purchase (other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

Sec. 144c. (Purchase money where area altered.)

(f) by inserting at the end of section 144c the following new subsection :—

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister

is

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys";

Sec. 146A. (Conditions attaching to subdivisions of purchases.)

(h) by inserting next after subsection three of section 146A the following new subsection :—

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply—interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for

payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

Sec. 147D. (Application to Minister to acquire private lands.)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease";

Sec. 147G. (Purchase of land.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease";

Sec. 147J. (Vesting of land in applicant.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases";

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one of section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

Further amendment of Act No. 7, 1913.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

Sec. 63. (Sale by auction of Crown lands.)

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—";

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands";

Sec. 254. (Trespass on Crown lands or dedicated lands.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force";

Sec. 255. (Removal of trespassers.)

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister";

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of".

Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three".

BY AUTHORITY
V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

*I certify that this* PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

I. P. K. VIDLER,
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,*
*Sydney,* 11 *December,* 1968.

# New South Wales

ANNO SEPTIMO DECIMO

# ELIZABETHÆ II REGINÆ

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

## Act No. 61, 1968.

An Act to make further provisions with respect to the transfer of lands under the Crown Lands Consolidation Act, 1913, as subsequently amended, and the Closer Settlement Acts, the leasing, alienation and administration of Crown lands and the conversion to freehold of certain leasehold tenures under those Acts; for these and other purposes to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts and certain other Acts; and for purposes connected therewith. [Assented to, 16th December, 1968.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,
*Chairman of Committees of the Legislative Assembly.*

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

Short title, citation and commencement.

**1.** (1) This Act may be cited as the "Crown Lands and Closer Settlement (Amendment) Act, 1968".

(2) The Prickly-pear Act, 1924, as subsequently amended and as amended by this Act, may be cited as the Prickly-pear Act, 1924–1968.

(3) The Irrigation Act, 1912, as subsequently amended and as amended by this Act, may be cited as the Irrigation Act, 1912–1968.

(4) The several provisions of this Act shall commence upon such day or days as may be appointed by the Governor in respect thereof and notified by proclamation published in the Gazette.

Amendment of Act No. 7, 1913.

**2.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is amended—

Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(a) (i) by inserting in subsection one of section two hundred and seventy-two after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii)

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection : —

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b) the local land board reports that in its opinion the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by the Minister and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv)

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area; and

(c) the local land board reports that in its opinion such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) the Minister consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

Sec. 274. (Restrictions as to assigns of homestead farms and Crown-leases.)

(b) (i) by inserting in paragraph (a) of subsection one of section two hundred and seventy-four after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same paragraph after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be,";

(iii) by omitting subsection (2A) of the same section and by inserting in lieu thereof the following subsection: —

(2A) The provisions of subsection one of this section or section two hundred and sixty-seven of this Act shall not apply so as to prevent a transfer of any holding as is hereinbefore mentioned where—

(a) such holding is a small holding; or

(b)

(b) the local land board reports that in its opinion the lands in such holding—

(i) are lands the best practicable use of which is for exploitation of the timber thereon or re-afforestation for the production of commercial timber;

(ii) are required for the establishment, maintenance, expansion or development of an industry or for any special purpose approved by the Minister and that such establishment, maintenance, expansion, development or such special purpose cannot practicably be achieved other than by such transfer;

(iii) are of an inferior character or are rough or undeveloped or have poor access or other disadvantage and that such transfer is the best practicable way of ensuring their development; or

(iv) cannot reasonably be disposed of other than by a transfer which would result in the proposed transferee holding substantially more than a home maintenance area; and

(c) the local land board reports that in its opinion such transfer would be in the best interests of land settlement or land utilization notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and

(d) the Minister consents to the transfer.

(iv) by omitting subsection (2B) of the same section;

Sec. 276. (Home maintenance area: what lands are to be taken into account.)

(c) by inserting in section two hundred and seventy-six after the word "Act." the following new proviso:—

Provided that, in relation to any other lands in which the person concerned holds or proposes to acquire a partial interest, there shall be taken into account such proportion of the other lands as the Minister, the Commission or the local land board thinks proper having regard to the extent of that person's interest in those other lands.

Amendment of Act No. 37, 1904. Sec. 30. (Restriction on purchase.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is amended by omitting from section thirty the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

Amendment of Act No. 38, 1943. Sec. 11. (Restrictions on transfer.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is amended—

(a) (i) by inserting in subsection one of section eleven after the words "person who" the words ", or to two or more persons any one of whom,";

(ii) by inserting in the same subsection after the word "transfer" where secondly occurring the words "by that person or by any one of those persons, as the case may be";

(b) by omitting from subsection six of the same section the words "who are not subject jointly or severally" and by inserting in lieu thereof the words "neither, or none, of whom is subject".

Further amendment of Act No. 7, 1913. Sec. 136B. (Application for week-end leases.)

**3.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

(a) (i) by omitting from subsection one of section 136B the words "and that the application has been made in accordance with the provisions of this Act" and by inserting in lieu thereof the words "that the application has been made in

in accordance with the provisions of this Act, and that he will be able to comply with the conditions that will attach to the week-end lease";

(ii) by inserting at the end of the same subsection the following new paragraph :—

There shall be no appeal to the Land and Valuation Court from such disallowance.

(b) by omitting from section 136C the words "Where the title to a week-end lease commences after the commencement of the Crown Lands (Amendment) Act, 1964, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period." and by inserting in lieu thereof the following paragraphs :— Sec. 136C. (Rent for week-end leases.)

Where the title to a week-end lease commenced after the commencement of the Crown Lands (Amendment) Act, 1964, and before the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be two and one-half per centum of the capital value of the lease, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

Where the title to a week-end lease commences after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the annual rent of the week-end lease shall, for the first ten years of the lease, be as notified by the Minister under section 136A of this Act, and for each succeeding period of ten years, be as redetermined by the local land board as at the date of expiration of the last preceding period.

(c)

Sec. 136G. (Restriction upon right to hold a week-end lease.)

(c) by omitting subsection two of section 136G;

Sec. 151. (Successive applications.)

(d) (i) by inserting in section one hundred and fifty-one after the word "thereon," the words "or where the order of priority of conflicting applications, whether made before or after the commencement of section three of the Crown Lands and Closer Settlement (Amendment) Act, 1968, for week-end leases";

(ii) by omitting from the same section the words "any such" and by inserting in lieu thereof the word "a";

Sec. 153. (Simultaneous conflicting applications.)

(e) (i) by omitting from paragraph (a) of section one hundred and fifty-three the words "and other than those for" and by inserting in lieu thereof the words ", week-end leases and";

(ii) by inserting in the same paragraph after the word "thereon" where secondly occurring the words "and for week-end leases";

Sec. 158. (Disqualification by ownership of land.)

(f) (i) by omitting paragraph (c) of subsection three of section one hundred and fifty-eight;

(ii) by omitting from subsection four of the same section the words "Except with the consent of the Minister no" and by inserting in lieu thereof the word "No".

(2) The amendment made by subparagraph (ii) of paragraph (f) of subsection one of this section shall not extend to or affect any application for a week-end lease made before the commencement of this section.

Further amendment of Act No. 7, 1913.

**4.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

Sec. 74. (Special leases for wharfs and jetties.)

(a) (i) by omitting from section seventy-four the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The"; (ii)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(b) (i) by omitting from section seventy-five the words "With any application for a lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and if" and by inserting in lieu thereof the word "If"; Sec. 75. (Special leases, miscellaneous purposes.)

(ii) by omitting from the same section the words "for business purposes or for any purpose declared by the Minister by notification in the Gazette in pursuance of the provisions of section 75A hereof, may be extended as provided in the said section 75A" and by inserting in lieu thereof the words "may be extended to a lease in perpetuity as provided in section 75A hereof";

(iii) by omitting from the same section the words "If an applicant so desires, one-tenth of the survey fee only may be paid with the application, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.";

(iv) by inserting at the end of the same section the following new subsection :—

(2) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand :

Provided that, if the holder so desires, he may, when demand for the cost of the survey or the survey fee is made, pay one-tenth thereof, in which event the balance, together with interest at the rate of four per centum per annum, shall be paid at such times as the Minister directs.

If any part of any amount payable under this subsection remains unpaid for three months after the amount has become payable, the lease shall be liable to be forfeited.

Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(c) (i) by omitting from subsection one of section 75A the words "seventy-five hereof for business purposes or for any purpose declared by the Minister by notification in the Gazette to be a purpose within this section" and by inserting in lieu thereof the words "seventy-four, seventy-five or seventy-six hereof";

(ii) by omitting from subsection two of the same section the words "subsisting at the commencement of the Crown Lands (Special Leases) Amendment Act, 1952, as well as any such lease granted after such commencement" and by inserting in lieu thereof the words "whenever granted";

(iii) by omitting from subsection three of the same section the words "and shall be referred to the local land board for inquiry and report";

(iv)

(iv) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(v) by inserting next after the same subsection the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a), (b) or (c) of subsection six hereof from granting a lease in perpetuity he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(vi) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof any such application shall be referred to the local land board for inquiry and report. The local land board shall";

(vii) by omitting from subsection six of the same section the word "approves" and by inserting in lieu thereof the following words and new paragraph :—

approves; or

(c) comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the granting of the lease;

(viii) by inserting next after subsection seven of the same section the following new subsection :—

(7A) If the lease extended to a lease in perpetuity under this section is a lease under section seventy-six hereof the Minister may, in connection

connection with the purpose for which the lease is granted, grant permission to construct and maintain tramways across any roads subject to such conditions as he may approve after report by the local land board.

Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(d) (i) by omitting from subsection three of section 75B the words "and shall be accompanied by the deposit";

(ii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If the whole or part of the land the subject of any such application is land in respect of which the Minister is prevented by the provisions of paragraph (a) or (b) of subsection six hereof from granting a lease he may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(iii) by omitting from subsection five of the same section the word "Any" where firstly occurring and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, any";

Sec. 76. (Special leases: tramway and irrigation purposes.)

(e) (i) by omitting from section seventy-six the words "With any application for a special lease under this section there shall be tendered a fee in accordance with the prescribed scale for the survey of the land; and the" and by inserting in lieu thereof the word "The";

(ii) by inserting at the end of the same section the following new subsections : —

(2) The term of any lease under this section may be extended to a lease in perpetuity as provided in section 75A hereof irrespective of whether such term has or has not been extended as provided in section two hundred and twenty-nine hereof.

(3)

(3) The cost of any necessary survey, or in the case of measured land a survey fee in accordance with the prescribed scale, shall be paid by the holder of a lease under this section upon demand. If any part of such cost or survey fee, as the case may be, remains unpaid for three months after demand, the lease shall be liable to be forfeited.

(f) (i) by omitting from the short heading to section one hundred and ninety the words *"and of church and school lands leases";* Sec. 190. (Conversion of special lease or church and school lands lease.)

(ii) by omitting from subsection one of the same section the words "for any of the following purposes, that is to say :—access to water—agriculture—bee and poultry farming —dairying—dams—drainage—garden (vegetable or nursery)—grazing—irrigation—orchard—pig and poultry farm—residence—sugar-cane growing—tanks—tobacco growing —or water conservation—or of any agricultural or pastoral lease granted under the Church and School Lands Dedication Act, 1880";

(iii) by omitting paragraphs (e), (f) and (g) of the same subsection;

(iv) by inserting at the end of paragraph (e) of subsection two of the same section the following word and new paragraph :—

—and

(f) a conversion shall not be allowed of land comprised in a lease under section seventy-four hereof and fronting any land held in fee-simple (other than by the holder of the lease) unless the proprietor of the land so held consents to the conversion.

(v) by omitting from subsection three of the same section the words ", and shall be referred to the local land board for inquiry and report";

(vi) by inserting in subsection four of the same section after the words "water reserve," the words "or is land leased under section seventy-four or seventy-six hereof,";

(vii) by inserting next after subsection four of the same section the following new subsection :—

(4A) If a conversion of the whole or part of the land the subject of the application cannot be allowed under the provisions of paragraph (a), (d), (e) or (f) of subsection two hereof the Minister may refuse the application without reference to the local land board or may refer the application to the local land board for inquiry and report.

(viii) by omitting from subsection five of the same section the words "The local land board shall" and by inserting in lieu thereof the words "Subject to subsection (4A) hereof, the application shall be referred to the local land board for inquiry and report. The local land board shall";

(ix) by omitting from the same subsection the words "capital value or rent or";

(x) by omitting from subsection seven of the same section the words "—or conditional lease—or homestead farm—or additional homestead farm—or Crown-lease—or additional Crown-lease";

(xi) by inserting in the same subsection after the word "respectively" the words "(excepting any of such regulations or provisions which the Minister after inquiry and report by the local land board may, at the time of granting or subsequently, direct shall not apply)";

(xii) by omitting from paragraph (a) of the same subsection the words "—which shall commence within three months after the date of the Minister's approval of the conversion—" and by inserting in lieu thereof the words "if applicable shall commence within three months after the date of the Minister's approval of the conversion and";

(xiii) by omitting from the same paragraph the words "or agricultural or pastoral lease, as the case may be,";

(xiv) by omitting from the same paragraph the words "or agricultural or pastoral lease" where secondly occurring;

(xv) by omitting from the same paragraph the words "or conditional lease";

(xvi) by omitting paragraphs (c), (d) and (e) of the same subsection;

(xvii) by omitting subsection eight of the same section;

(xviii) by omitting subsection nine of the same section and by inserting in lieu thereof the following subsection:—

(9) The price of the land comprised in the conditional purchase or the additional conditional purchase shall be the price of the land as determined by the local land board as at the date of application for conversion.

(xix) by omitting subsection ten of the same section;

Sec. 272. (Restrictions as to assigns of certain holdings applied for after 1st February, 1909.)

(g) by inserting at the end of section two hundred and seventy-two the following new subsections :—

(9) Notwithstanding any other provision of this section, where the Minister has certified in the prescribed form that a conditional purchase that is a conversion of a special lease and in respect of which—

(a) a certificate under this Act that all conditions have been duly complied with has been issued; and

(b) the balance of the purchase money, stamp duty, deed fee and such other moneys as may be payable have been paid,

or in respect of which a grant has been issued, may be transferred without his consent, the conditional purchase may be transferred or otherwise dealt with without the consent of the Minister.

(10) The Minister shall not grant a certificate under subsection nine of this section unless he is satisfied that the land referred to in the certificate is, or is to be, used for business, commercial, industrial or like purposes.

(2) The amendments made by the following provisions of subsection one of this section, that is to say—

(a) subparagraph (i) of paragraph (a);

(b) so much of subparagraph (ii) of paragraph (a) as inserts a new subsection three in section seventy-four of the Crown Lands Consolidation Act, 1913, as subsequently amended;

(c) subparagraphs (i), (iii) and (iv) of paragraph (b);

(d) subparagraphs (iii), (v) and (vi) of paragraph (c);

(e) paragraph (d);

(f) subparagraph (i) of paragraph (e);

(g)

(g) so much of subparagraph (ii) of paragraph (e) as inserts a new subsection three in section seventy-six of the Crown Lands Consolidation Act, 1913, as subsequently amended; and

(h) subparagraphs (i), (ii), (iii), (v), (vii), (viii), (ix), (x), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (f),

do not extend to or affect any application made before the commencement of those amendments, an applicant under any such application, a holding granted pursuant to any such application, the holder of any such holding or any action, suit or proceeding pending at such commencement.

Any application made before such commencement, and any action, suit or proceeding pending or uncompleted at such commencement may be continued and completed as if such amendments had not been made.

Any holding subsisting at such commencement shall remain as valid as if such amendments had not been made.

**5.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from subsection two of section fifty-nine the word "deposits"; Sec. 59. (Special areas and conditional purchases therein.)

(ii) by inserting next after the same subsection the following new subsections :—

(2A) A notification under subsection one or two of this section may require the payment in advance of a specified instalment of purchase money.

(2B)

(2B) Notwithstanding any other provision of this Act or any provision of the regulations, a notification under subsection one or two of this section may specify a period during which all applications made under subsection one or two, as the case may be, of this section shall, where conflicting, be deemed to have been made simultaneously.

(2C) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection (2B) of this section shall, where conflicting, be deemed to have been made simultaneously.

(2D) Nothing in subsection (2B) of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

New sec. 84A.

(b) by inserting next after section eighty-four the following short heading and new section :—

*Simultaneous applications.*

Certain applications deemed to be made simultaneously.

84A. (1) A notification under subsection one of section eighty-five, paragraph (c) of subsection one of section eighty-seven, paragraph three of section one hundred and eighteen, paragraph three of section one hundred and twenty-four, paragraph three of section one hundred and thirty or paragraph three of section 136A, of this Act may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and

any

any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(2) In any proceedings before a local land board any applications lodged in proper manner during any such period as is referred to in subsection one of this section shall, where conflicting, be deemed to have been made simultaneously.

(3) Nothing in subsection one of this section affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that subsection.

(c) (i) by omitting subsection seven of section eighty-seven and by inserting in lieu thereof the following subsection :— Sec. 87. (Classified areas, conditional purchases and conditional leases.)

(7) (a) Every application under this section shall be made and lodged in the manner and in or to the effect of the form prescribed.

(b) An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

(ii) by omitting from subsection eight of the same section the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the moneys or portion shall be forfeited accordingly";

(d)

Sec. 114. (Classified areas: applications for additional holdings, how dealt with.)

(d) (i) by omitting from subsection two of section one hundred and fourteen the words "and be accompanied, except as provided in section 161A, by a provisional deposit and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof,";

(ii) by omitting paragraph (e) of the same subsection;

(iii) by inserting at the end of the same subsection the following new paragraph :—

An amount, by way of instalment of purchase money or rent, as the case may require, as may be prescribed shall be paid in advance by the applicant.

Sec. 119. (Homestead farm: application, how made and dealt with.)

(e) (i) by omitting from subsection one of section one hundred and nineteen the words ", and shall, except as provided in section 161A, be accompanied by a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof";

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

Sec. 125. (Suburban holding application, how made and dealt with.)

(f) (i) by omitting from subsection one of section one hundred and twenty-five the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof";

(ii)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(g) (i) by omitting from subsection one of section one hundred and thirty-one the words ", and shall, except as provided in section 161A, be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof"; Sec. 131. (Crown-lease: application, how made and dealt with.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(h) (i) by omitting from subsection one of section 136B the words ", and shall be accompanied by one half-year's rent in advance and a survey fee or instalment thereof in accordance with the provisions of section one hundred and sixty-one hereof, except where otherwise provided in the said section"; Sec. 136B. (Application for week-end leases.)

(ii) by omitting from the same subsection the words ", and in any such case shall have power to declare that the moneys, or any portion thereof, lodged with the application shall be forfeited to the Crown, and the same shall be forfeited accordingly";

(i) by omitting from section one hundred and forty-nine the words "to which the provisions of section 161A of this Act do not extend"; Sec. 149. (Informal applications for holdings, how rectified.)

(j)

Sec. 152. (When applications may be withdrawn.)

(j) by omitting from subsection one of section one hundred and fifty-two the words "the moneys lodged with" and by inserting in lieu thereof the words "any moneys paid in respect of";

Sec. 153. (Simultaneous conflicting applications.)

(k) by omitting from paragraph (a) of section one hundred and fifty-three the words "the deposit money" and by inserting in lieu thereof the words "any moneys paid in respect of the application";

Sec. 154. (Applications to be made in good faith.)

(l) by omitting from section one hundred and fifty-four the words "lodged with" wherever occurring and by inserting in lieu thereof the words "paid in respect of";

Sec. 161. (Payment of survey fees.)

(m) (i) by omitting from subsection one of section one hundred and sixty-one the words "The survey fee payable" and by inserting in lieu thereof the words "A survey fee, according to the prescribed scale, shall be paid";

(ii) by omitting from the same subsection the words "shall be according to the prescribed scale,";

(iii) by omitting from the same subsection the words "Except as provided in section 161A payment of the first of such instalments shall be made with the application." and by inserting in lieu thereof the words "The first of such instalments shall be paid within the time directed by the local land board.";

Sec. 161A. (Cases where deposit or rent and survey fee need not accompany the application.)

(n) (i) by omitting from the short heading to section 161A the word "*Deposits*" and by inserting in lieu thereof the words "*Advance Payments*";

(ii) by omitting from the same section the words "The prescribed deposit or rent and survey fee or instalment thereof in respect of an application for a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine need not accompany the application where it is lodged with the Crown land agent during the first week that the land applied for becomes available for application; but the applicant shall pay such deposit or rent (unless improvements are to be effected on a homestead farm in lieu of rent) and survey fee or instalment thereof when and within the time directed by the local land board. Any failure to pay such deposit or rent and survey fee or instalment thereof within the time directed by the local land board" and by inserting in lieu thereof the words "Where, in respect of a holding within a classified area or within an area set apart as a special area in pursuance of section fifty-nine of this Act, any amounts by way of instalment of purchase money or rent are made payable in advance and the applicant fails within the time directed by the local land board to pay the first of those amounts and any survey fee or the first instalment thereof, that failure".

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-eight the words "Applications received" and by inserting in lieu thereof the words "Except as provided by section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended, applications received"; Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

(b)

(b) by omitting from the same section the words "and may impose a penalty on such withdrawal or refusal by retaining the whole or such portion of the deposit money as shall after due inquiry be determined by them,".

Amendment of Act No. 21, 1909. Sec. 21. (Setting apart for closer settlement.)

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is amended by inserting next after subsection five of section twenty-one the following new subsection:—

(5A) Notwithstanding any other provision of the Closer Settlement Acts, a notification under subsection five of this section may specify a period during which all applications made pursuant to such a notification shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications to have been made simultaneously shall not apply to applications made during a period so specified. In any proceedings before a local land board any applications lodged in proper manner during a period so specified shall, where conflicting, be deemed to have been made simultaneously.

Amendment of Act No. 7, 1914. Sec. 7. (Reference to Land and Valuation Court.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is amended by omitting subsection three of section seven.

Further amendment of Act No. 38, 1943.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 7. (Setting apart.)

(a) by inserting at the end of paragraph (a) of subsection two of section seven the following new paragraph :—

Notwithstanding any other provision of the Closer Settlement Acts, a notification under this paragraph may specify a period during which all applications made pursuant to such a notification shall,

shall, where conflicting, be deemed to have been made simultaneously and where a period is so specified so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as applied by section eight of this Act, as deems applications for closer settlement leases to have been made simultaneously, shall not apply to applications made during a period so specified. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(b) by omitting from section eight the words "Acts, and shall be accompanied by a deposit of one year's rent in advance." and by inserting in lieu thereof the following word and new paragraph :— Sec. 8. (Applications for closer settlement leases.)

Acts.

The applicant shall pay a deposit when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**6.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended— Further amendment of Act No. 7, 1913.

(a) (i) by omitting from section fifty-one the words "or within three months thereafter pay to the Crown land agent" and by inserting in lieu thereof the word "pay"; Sec. 51. (Balance of purchase money, how paid.)

(ii) by omitting from the same section the words "or within three months thereafter shall pay in like manner" and by inserting in lieu thereof the words "shall pay";

(b) (i) by omitting from subsection six of section sixty-three the words "paid within three months after the day of sale, and upon default" Sec. 63. (Sale by auction of Crown lands.)

default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such balance of purchase money remains unpaid for three months after demand";

(ii) by omitting from subsection seven of the same section the words "instalment remains unpaid for thirty days" and by inserting in lieu thereof the words "part of an instalment remains unpaid for three months";

Sec. 64B. (Sales by tender.)

(c) by omitting from subsection seven of section 64B the words "thirty days" and by inserting in lieu thereof the words "three months";

Sec. 67. (Payment for special purchases under preceding sections.)

(d) (i) by omitting from section sixty-seven the words "and if within three months after such notification the applicant shall fail to pay";

(ii) by inserting in the same section after the words "applied for" the words "shall be due and payable on demand and, if any part of such purchase money, deed fee and costs remains unpaid for three months after demand";

Sec. 68. (Reclamation and purchase of land.)

(e) by omitting from subsection two of section sixty-eight the words ", within three months after the notice in the Gazette calling for the same, be paid by the applicant to the Under Secretary, and in default of such payment" and by inserting in lieu thereof the words "be due and payable on demand and if any part of such excess remains unpaid for three months after demand";

Sec. 70. (Occupation license.)

(f) by omitting from paragraph one of section seventy the words "and the rates of license fees shall be published in the Gazette, and if within sixty days thereafter such fees be not paid to the Under Secretary by the licensee" and by inserting in lieu thereof the words ", the rates of license fees shall be published in the Gazette and shall be due and payable on demand. If any part of such fees remains unpaid for three months after demand";

(g)

(g) by omitting from paragraph two of section seventy-two the words "of the rent for the ensuing year to the Under Secretary or the Crown land agent, such payment being made on or before the thirtieth day of September in the current year. And if such rent be not paid" and by inserting in lieu thereof the words "of the rent for the ensuing year on demand. If any part of such rent remains unpaid for three months after demand"; Sec. 72. (Annual leases generally: terms and conditions.)

(h) by omitting from subsection eight of section 75A the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost remains unpaid for three months after demand"; Sec. 75A. (Extension of special leases to special leases in perpetuity for miscellaneous purposes.)

(i) by omitting from subsection eight of section 75B the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand. If any part of such cost or fee remains unpaid for three months after demand"; Sec. 75B. (Special leases in perpetuity for miscellaneous purposes.)

(j) by omitting from section seventy-eight the words "paid within sixty days after the notification in the Gazette requiring payment thereof, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such fee or rent remains unpaid for three months after demand"; Sec. 78. (Snow lease.)

(k) by omitting from subsection three of section eighty-one the words "paid within three months, or within such further time as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. Upon default in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable Sec. 81. (Purchase of residential lease.)

payable under the foregoing provisions of this subsection are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

Sec. 82A. (Leasing of Crown lands within towns.)

(l) by omitting from paragraph (j) of section 82A the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the amounts payable under the foregoing provisions of this paragraph are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

Sec. 108. (Original conditional purchase lease: conditions.)

(m) by omitting from paragraph three of section one hundred and eight the words ", paying such instalments when the same fall due or within thirty days thereafter";

(n)

(n) (i) by omitting from subsection three of section one hundred and nine the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of that cost or balance remains unpaid for three months after demand"; Sec. 109. (Conditional purchase leases. Conversion into conditional purchases and conditional leases.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(o) (i) by omitting from paragraph (e) of subsection one of section 129B the words "within one month of the date of demand made for the same" and by inserting in lieu thereof the words "on demand"; Sec. 129B. (Purchase of suburban holdings.)

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by omitting from paragraph (j) of the same subsection the words "default is made in paying any moneys due in respect of any such purchase" and by inserting in lieu thereof the words "any moneys due in respect of such purchase remain unpaid for three months after the day they become due and payable";

(p) by omitting from section 136H the words "paid within three months of demand, or within such further period as the Minister may allow, subject to payment of interest at the rate of five per centum per annum. If default be made in payment as aforesaid," and by inserting in lieu thereof the words "due and payable on demand, or on such date, being more than three months after demand has been made, as the Minister may fix, but, where the Sec. 136H. (Purchase of week-end leases.)

amounts

amounts payable under the foregoing provisions of this section are not due and payable until a date so fixed, interest on those amounts at the rate of five per centum per annum from the expiration of three months after the date of the demand until payment is made shall, subject to the Finances Adjustment Act, 1932, as subsequently amended, be due and payable by the applicant. If any part of any such amounts or interest remains unpaid for three months after they become due and payable";

Sec. 163. (Addition to conditional purchase or homestead selection.)

(q) by inserting in section one hundred and sixty-three after the words "determined by the local land board." the words "The capital value of any improvements on the added land shall be determined by the local land board.";

Sec. 180. (Deferring of payments.)

(r) by omitting from section one hundred and eighty the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words : —

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of four per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

**and**

(s)

(s) (i) by omitting from subsection one of section one hundred and eighty-three the words "paid by the applicant within one month after he has been called upon to do so, and upon default" and by inserting in lieu thereof the words "due and payable on demand, and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 183. (Conversion of homestead selection or grant or homestead farm.)

(ii) by omitting from the same subsection the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(iii) by omitting from paragraph (d) of subsection three of the same section the words "or within three months thereafter";

(t) (i) by omitting from paragraph (h) of subsection one of section one hundred and eighty-four the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand"; Sec. 184. (Conversion of settlement lease or Crown-lease.)

(ii) by omitting from the same paragraph the words "within one month after he has or they have been called upon to do so, and upon default" and by inserting in lieu thereof the words "on demand, and if any part of such cost remains unpaid for three months after demand";

(u) by omitting from subsection two of section one hundred and eighty-six the words "or within three months thereafter"; Sec. 186. (Conversion of settlement lease: price and payment.)

Sec. 189. (Conversion of non-residential conditional purchase.)

(v) by omitting from subsection two of section one hundred and eighty-nine the words "or within three months thereafter,";

Sec. 190. (Conversion of special lease or church and school lands lease.)

(w) (i) by omitting from subsection six of section one hundred and ninety the words "paid by the applicant within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "due and payable on demand; and if any part of such cost or balance remains unpaid for three months after demand";

(ii) by omitting from paragraph (b) of subsection seven of the same section the words "or within three months thereafter";

Sec. 193A. (Conversion of prickly-pear leases.)

(x) by omitting from subsection (7B) of section 193A the words "or within three months thereafter";

Sec. 194A. (Conversion of homestead farms into settlement purchases.)

(y) by omitting from paragraph (d) of section 194A the words "paid within one month of" and by inserting in lieu thereof the words "due and payable on";

Sec. 204. (Lease or license, when forfeitable.)

(z) by omitting from section two hundred and four the words "rent or license fee be not paid within the prescribed period" and by inserting in lieu thereof the words "part of the rent or license fee remains unpaid for three months after it becomes due and payable";

Sec. 216. (Periods allowed for payment.)

(aa) (i) by omitting from subsection one of section two hundred and sixteen the words "payment of the capital value of such improvements shall be made by an incoming tenant within three months after the determination of such

value

value by the local land board (in which case no interest shall be charged)" and by inserting in lieu thereof the words "the capital value of such improvements shall be due and payable on demand";

(ii) by inserting in the same subsection after the words "Where Crown land containing improvements which are the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(iii) by inserting in subsection two of the same section after the words "Where Crown land containing improvements which are not the property of the Crown becomes the subject of any holding" the words "by way of addition under section one hundred and sixty-three or one hundred and sixty-four hereof or becomes the subject of any holding";

(bb) by inserting in section two hundred and twenty-five after the words "such payment," the words "or where such a period is not so allowed, within three months after the day the payment becomes due and payable,"; Sec. 225. (Payment for improvements: forfeiture upon default in certain cases.)

(cc) by omitting from section two hundred and thirty-two the words "sixty days after notification of the demand in the Gazette," and by inserting in lieu thereof the words "three months after demand"; Sec. 232. (Survey of boundaries of occupation licenses.)

(dd) by omitting from section two hundred and seventy-eight the words "Any sums which now are or shall hereafter become payable to the Crown under or by virtue of the Crown Lands Acts, whether as rent license fee purchase money interest payment for improvements Sec. 278. (Interest on arrears.)

improvements or otherwise, shall from and after the due date for the payment thereof bear interest at the rate of five per centum per annum, and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "Any sums payable to the Crown under or by virtue of the Crown Lands Acts shall from and after the due date for the payment thereof, or the date of commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum, and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

New sec. 278A.

(ee) by inserting next after section two hundred and seventy-eight the following short heading and new section :—

*Alteration of due dates for payments.*

Alteration of due dates for recurring payments.

278A. (1) Where, under the Crown Lands Acts or the regulations or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3)

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of the Crown Lands Acts, the regulations or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Sec. 302. (Conditional purchases made after 1st January, 1885: payment.)

(ff) (i) by omitting from paragraph two of section three hundred and two the words "period in each year for the payment of the";

(ii) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(iii) by omitting from paragraph three of the same section the words "period in each year for the payment of the";

(iv) by omitting from the same paragraph the words "the three months immediately following" and by inserting in lieu thereof the words "payable in each year on";

(v) by inserting in paragraph seven of the same section after the word "payment" the words "for three months after the day when the payment falls due".

Amendment of Act No. 69, 1932. Sec. 5. (Funding of arrears.)

(2) The Crown Lands (Amendment) Act, 1932, as subsequently amended, is amended by omitting from section five the word "five" and by inserting in lieu thereof the word "seven".

Further amendment of Act No. 37, 1904.

(3) The Closer Settlement Act, 1904, as subsequently amended, is further amended—

Sec. 29. (Settlement purchase, title, and general conditions.)

(a) (i) by omitting from paragraph (a) of subsection one of section twenty-nine the words ", or within three months thereafter";

(ii) by omitting from subsection four of the same section the words "interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and" and by inserting in lieu thereof the following words:—

interest—

(a) where the amount became due before and was unpaid at the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—at the rate of five per centum per annum from the date of its becoming due until that commencement and at the rate of seven per centum per annum from that commencement until the date of payment; and

(b)

(b) where the amount became due on or after that commencement—at the rate of seven per centum per annum from the date of its becoming due until the date of payment,

and

(b) by inserting in section thirty-six after the word "interest" the words "for three months after the day when the instalments or interest fall due". Sec. 36. (Forfeiture.)

(4) The Closer Settlement (Amendment) Act, 1914, as subsequently amended, is further amended by omitting from section fifteen the words ", or within three months thereafter". Further amendment of Act No. 7, 1914. Sec. 15. (Annual instalments on settlement purchases.)

(5) The Closer Settlement (Amendment) Act, 1937, is amended— Amendment of Act No. 21, 1937.

(a) by omitting from subparagraph (v) of paragraph (a) of section three the words "or within three months after that day"; Sec. 3. (Instalments and interest.)

(b) (i) by omitting from paragraph (b) of the same section the words "Any sums which are at the commencement of this Act or which shall, after such commencement, become payable to the Crown under or by virtue of the Closer Settlement Acts shall, from and after the final date for the payment thereof, bear interest at the rate of four per centum per annum and such interest shall be considered as accruing due day by day : Provided" and by inserting in lieu thereof the words "any sums payable to the Crown under or by virtue of the Closer Settlement Acts shall from and after the due date for the payment thereof, or the date of

commencement

commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, whichever is the later, bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of the due date for payment such sum shall not bear interest :

Provided further";

(ii) by inserting at the end of the same section the following new subsection :—

(2) (a) Where, under the Closer Settlement Acts or the regulations made under any of those Acts, or under any instrument under any of those Acts, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(b) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(c) The Minister may extend the time for payment of any such proportionate part.

(d)

(d) A direction under this subsection—

(i) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(ii) may be given from time to time as the Minister thinks fit; and

(iii) shall, upon notice in writing of the direction being given in accordance with paragraph (e) of this subsection, have effect according to its tenor, notwithstanding the provisions of the Closer Settlement Acts, any regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(e) Notice of a direction under this subsection may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

Further amendment of Act No. 38, 1943.

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended—

Sec. 3. (Annual rent.)

(a) by omitting subsection two of section three and by inserting in lieu thereof the following subsection :—

(2) Rent in respect of a settlement purchase lease or a group purchase lease shall be payable annually in advance, the due date of payment being the last day of November in each year.

(b)

Sec. 9. (Closer settlement leases.)

(b) (i) by omitting from paragraph (a) of subsection two of section nine the words "Provided that if such rent is paid within a period of two months from that day it shall be deemed to have been paid on the due date of payment :";

(ii) by omitting from the same paragraph the word "further" where firstly occurring;

Sec. 10A. (Payment for improvements.)

(c) (i) by omitting paragraph (d) of subsection one of section 10A;

(ii) by omitting paragraph (d) of subsection two of the same section;

Sec. 14. (Forfeiture.)

(d) by omitting from subsection one of section fourteen the words "by the due date" and by inserting in lieu thereof the words "within three months after the day when the rent, interest or instalment falls due".

Amendment of Act No. 21, 1916.

(7) The Returned Soldiers Settlement Act, 1916, as subsequently amended, is amended—

Sec. 4A. (Purchase of special holdings.)

(a) (i) by omitting from paragraph (e) of subsection one of section 4A the words "within three months of the date of demand made for the same" and by inserting in lieu thereof the words "on demand";

(ii) by omitting from the same paragraph the words "or within three months thereafter,";

(iii) by inserting in paragraph (j) of the same subsection after the word "made" the words "for a period of three months";

Sec. 4B. (Soldiers' group purchases.)

(b) by inserting next after subsection six of section 4B the following new subsection :—

(6A) The provisions of paragraph (b) of subsection one, and the provisions of subsection two of section three of the Closer Settlement (Amendment) Act, 1937, apply, mutatis mutandis, to any sums payable to the Crown in respect of a group purchase

purchase the title to which commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, and where the Minister gives a direction under the said subsection two in respect of such a group purchase the direction shall have effect as mentioned in that subsection notwithstanding any conditions attached to the group purchase under the provisions of this section.

(c) (i) by omitting from section 7B the words "six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 7B. (Forfeiture.)

(ii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months; or

(b) in the case of a holding within an irrigation area—six months.

(d) (i) by omitting from section eight the words "a period of six months" and by inserting in lieu thereof the words "the prescribed period"; Sec. 8. (Remission of rent.)

(ii) by omitting from the same section the word "five" and by inserting in lieu thereof the word "seven";

(iii) by inserting at the end of the same section the following new paragraph :—

In this section, "the prescribed period" means—

(a) in the case of a holding not within an irrigation area—

(i) in relation to a default that commenced before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968—six months; and

(ii) in relation to a default that commenced on or after that commencement—three months.

(b) in the case of a holding within an irrigation area—six months.

Amendment of Act No. 70, 1901.

(8) The Western Lands Act of 1901, as subsequently amended, is amended—

Sec. 23. (Minister's power to grant leases.)

(a) by omitting from paragraph (b) of subsection four of section twenty-three the words "to the Colonial Treasurer within one month after the date of such notification or after the date of commencement of the lease, whichever is the later. If such amounts be not so paid" and by inserting in lieu thereof the words "on demand and if any part of any such amount remains unpaid for three months after demand";

Sec. 28B. (Conversion of lease.)

(b) (i) by omitting from subsection seven of section 28B the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(ii)

(ii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words ", two hundred and seventy-eight and 278A";

(c) (i) by omitting from paragraph (c) of subsection five of section 28BB the words "within one month after he has been called upon to do so; and upon default" and by inserting in lieu thereof the words "on demand; and if any part of any such cost or balance remains unpaid for three months after demand"; Sec. 28BB. (Application for conversion of leases after commencement of Western Lands (Amendment) Act, 1949.)

(ii) by omitting from subsection seven of the same section the words "or within three months thereafter";

(iii) by omitting from subsection eight of the same section the words "and two hundred and seventy-eight" and by inserting in lieu thereof the words "two hundred and seventy-eight and 278A";

(d) by inserting next after section thirty-six the following short heading and new sections: — New secs. 36A, 36B and 36C.

*Payments.*

Alteration of due dates for recurring payments.

36A. (1) Where, under this Act or the regulations thereunder or under any instrument under this Act, any sums are made payable at recurring times, the Minister may, if he deems it expedient for administrative purposes to do so, in writing direct that those sums or any of them, whether or not they have, or any of them has, then become due and payable, shall be payable at such altered times recurring at the same intervals as he may specify in the direction.

(2) The Minister may determine that, by reason of the alteration of the recurring times, a proportionate part of any such sum shall be

payable

payable at such time as he may determine and may, in the direction, direct that that proportionate part shall be due and payable at that time.

(3) The Minister may extend the time for payment of any such proportionate part.

(4) A direction under this section—

(a) may be given in respect of all holdings, any class of holdings specified in the direction or any particular holding so specified;

(b) may be given from time to time as the Minister thinks fit; and

(c) shall, upon notice in writing of the direction being given in accordance with subsection five of this section, have effect according to its tenor, notwithstanding the provisions of this Act, the regulations thereunder or the instrument under which the sums are made payable or any previous direction under this section.

(5) Notice of a direction under this section may be given by sending it by post to the person by whom the sum next payable under the direction would, if that sum were due and payable at the time the notice is so sent, be payable and by addressing it to that person's last known address.

**Interest on arrears —leases.**

36B. Any provisions in any lease issued under this Act before the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, imposing a penalty at a rate per centum on any unpaid amount for late payment of any sum due under this Act or the lease shall as regards any amount unpaid at, or becoming unpaid after, the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, be read and construed, for the purpose of calculating the amount of any penalty accruing due after that commencement, as if that

rate

rate per centum were omitted from that provision and the rate of seven per centum were substituted therefor and as if the provision provided that that substituted rate shall not be payable if the amount due is paid within three months after the date it becomes due.

Interest.

36c. Any sums payable under a lease under this Act issued on or after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, or under this Act or the regulations thereunder in respect of such a lease shall from and after the due date for payment thereof bear interest at the rate of seven per centum per annum and such interest shall be considered as accruing due day by day :

Provided that if payment of any sum is made within three months of such date such sum shall not bear interest :

Provided further that in any case where the Minister is satisfied that the circumstances warrant it he may—

(a) direct that the whole or part of such interest shall not be charged; or

(b) grant an extension of time for the payment of all or any part of such interest; or

(c) remit the payment of such interest wholly or in part.

No refund shall be made as a consequence of any such direction or remission.

Nothing in this section contained shall be construed so as to prevent the enforcement of any forfeiture, or to compel the acceptance of any overdue sums together with interest as aforesaid.

Schedule A.

(e) (i) by omitting paragraph (n) of Schedule A;

(ii) by omitting from paragraph (o) of the same schedule the word "six" and by inserting in lieu thereof the word "three".

Amendment of Act No. 31, 1924.

(9) The Prickly-pear Act, 1924, as subsequently amended, is amended—

Sec. 17. (Leasing infested land.)

(a) by omitting from section seventeen the words "within three months after the commencement of the lease" and by inserting in lieu thereof the words "on demand";

(b) by omitting from the same section the words "if default is made in any payment, when due, in respect of such improvements" and by inserting in lieu thereof the words "if any part of any payment due in respect of such improvements remains unpaid for three months after demand".

Amendment of Act No. 27, 1932. Sec. 3. (Interest.)

(10) The Finances Adjustment Act, 1932, as subsequently amended, is amended by inserting at the end of subsection (3A) of section three the following new paragraph :—

This subsection shall not apply to interest accruing due after the commencement of section six of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown or the Water Conservation and Irrigation Commission, incurred under or by operation of section 36B or 36C of the Western Lands Act of 1901, as subsequently amended, or section one hundred and eighty or two hundred and seventy-eight of the Crown Lands Consolidation Act, 1913, as subsequently amended, or section five of the Crown Lands (Amendment) Act, 1932, as subsequently amended.

(11) Nothing contained in the amendments made by any of the foregoing provisions of this section affects the liability of any person in respect of any interest due under

any

any provisions, as in force immediately before the commencement of this section, amended by any of those foregoing provisions.

**7.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended by omitting section 17A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Further amendment of Act No. 7, 1913. Subst. sec. 17A.

*Powers of Delegation.*

17A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function

function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(8) In this section, "Minister" includes any Minister on whom any powers, authorities, duties or functions are conferred or imposed by or under this Act or the regulations.

(2)

(2) The Closer Settlement (Amendment) Act, 1918, as subsequently amended, is amended by omitting section five and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :— Amendment of Act No. 48, 1918. Substituted sec. 5.

*Powers of Delegation.*

5. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under the Closer Settlement Acts or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office. Delegation by Minister.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5)

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Further amendment of Act No. 70, 1901.

(3) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting section 12A and by inserting in lieu thereof the following section :—

Subst. sec. 12A.

Delegation by Minister.

12A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of

of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations thereunder as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder

of,

of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

**Further amendment of Act No. 31, 1924.**

(4) The Prickly-pear Act, 1924, as subsequently amended, is further amended by omitting section 7A and by inserting in lieu thereof the following section :—

**Substituted sec. 7A.**

**Delegation by Minister.**

7A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as

as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office, whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister,

whether

whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

Amendment of Act No. 95, 1902.

Substituted sec. 6A.

(5) The Public Roads Act 1902, as subsequently amended, is amended by omitting section 6A and the short heading thereto and by inserting in lieu thereof the following section and short heading thereto :—

*Powers of Delegation.*

Delegation by Minister.

6A. (1) Subject to this section the Minister may by instrument in writing delegate to the holder of any prescribed office the exercise or performance of such of the powers (other than this power of delegation), authorities, duties and functions conferred or imposed upon the Minister by or under this Act or the regulations as may be prescribed in relation to the holder of that office and may in like manner revoke wholly or in part any such delegation or any such delegation made by a predecessor in office.

(2) Any power, authority, duty or function, the exercise or performance of which has been delegated under this section to the holder of a prescribed office, may while the delegation remains unrevoked be exercised or performed from time to time in accordance with the terms of the delegation by the person for the time being holding or acting in that office whether or not the Minister who made the delegation holds office at the time of that exercise or performance.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the prescribed powers, authorities, duties or functions delegated or as to time or circumstances as may be specified in the instrument of delegation.

(4) Where the exercise or performance of a power, authority, duty or function is dependent upon the opinion, belief or state of mind of the Minister and that power, authority, duty or function has been delegated under this section the power, authority, duty or function so delegated may be exercised or performed under the delegation upon the opinion, belief or state of mind (as the case may require) of the delegate.

(5) Where any prescribed power, authority, duty or function is exercised or performed by the holder of a prescribed office in relation to whom that power, authority, duty or function is prescribed and the exercise or performance of the power, authority, duty or function is evidenced in writing, signed by the holder of, or person for the time being acting in, that office in the name of the Minister or in his own name on behalf of the Minister, the power, authority, duty or function shall be deemed to have been exercised or performed by the Minister, whether or not an instrument delegating the exercise or performance of the power, authority, duty or function to that holder was, when the power, authority, duty or function was exercised or performed, in force

and

and whether or not any conditions or limitations referred to in subsection three of this section were observed by the person exercising or performing the power, authority, duty or function.

(6) Notwithstanding any delegation made under this section the Minister may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(7) A regulation under subsection one of this section relating to the powers, authorities, duties or functions that may be delegated to the holder of a prescribed office may describe any power, authority, duty or function in general or particular terms and may so describe the power, authority, duty or function that its exercise or performance by the holder of the prescribed office in relation to whom it is prescribed shall be subject to such limitations or conditions as may be specified in the regulation.

(6) Any regulation made or purporting to have been made under any of the provisions repealed by subsection one, two, three, four or five of this section, or under any of those provisions as applied by any regulation made or purporting to have been made under any provision of any of the Acts in which any of those provisions is contained or made or purporting to have been made under the Closer Settlement Acts shall—

(a) if the regulation was, or purported to be, in force immediately before the commencement of the foregoing provisions of this section; and

(b) if it could, had the provisions substituted by the foregoing provisions of this section been in force when the regulation was, or purported to be, made, have been made under those provisions,

be

be deemed to be a regulation made—

(c) where the power, authority, duty or function referred to in the regulation is conferred or imposed by an Act, other than the Closer Settlement Acts—under that Act; or

(d) where the power, authority, duty or function referred to in the regulation is conferred or imposed by the Closer Settlement Acts—under the Closer Settlement Acts.

Further amendment of Act No. 37, 1904.

**8.** (1) The Closer Settlement Act, 1904, as subsequently amended, is further amended—

Sec. 26. (Qualification to apply for land.)

(a) by inserting at the end of section twenty-six the following new subsections :—

(2) (a) Notwithstanding the provisions of subsection one of this section, it shall be competent for a married man not being under the age of sixteen years and his wife whether or not she is under the age of twenty-one years who are not living apart under an order for judicial separation made by a court of competent jurisdiction to apply jointly for a settlement purchase under this Act if neither of them is disqualified from applying for such a settlement purchase.

(b) Where a settlement purchase is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(3) A person shall not make, either alone or jointly, more than one application for a farm within the same settlement purchase area unless any prior application

application made by him either alone or jointly for a farm within that settlement purchase area and any application made by him, either alone or jointly, for a farm within a closer settlement lease area notified at the one time over the same lands, have been withdrawn or refused.

**Sec. 27. (Lodgment of applications.)**

(b) (i) by omitting from section twenty-seven the words "Such application shall be accompanied by a deposit of five per centum of the notified value of such settlement purchase.";

(ii) by omitting from the same section the word "also";

(iii) by inserting at the end of the same section the following new subsection :—

(2) The applicant shall pay the deposit prescribed by subparagraph (i) of paragraph (al) of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, when and within the time directed by the local land board and before allowance of the application. If the applicant fails to pay the deposit within the time directed the local land board may refuse the application.

**Sec. 29. (Settlement purchase, title, and general conditions.)**

(c) (i) by omitting from subsection one of section twenty-nine the words "The title of a settlement purchase under this Act shall commence from the date of application therefor, if valid, and every such purchase before grant" and by inserting in lieu thereof the words "Where the application for the settlement purchase was allowed before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the title shall commence from the date of application therefor, if valid. Where the application for the settlement purchase is allowed after that

commencement,

commencement, the title shall commence from the date of such allowance. A settlement purchase before grant, the application for which was allowed after that commencement, shall be subject to any special condition which may attach to it pursuant to subsection five of section twenty-one of the Closer Settlement (Amendment) Act, 1909, as subsequently amended. Every settlement purchase before grant";

(ii) by omitting from paragraph (b) of the same subsection the words "six months after the date of the land board's decision allowing the purchase : Provided that the commencement of residence may be extended to any date within five years of allowance of purchase, on such terms and conditions as to improvement, cultivation, or otherwise as may be agreed upon between the local land board and the purchaser" and by inserting in lieu thereof the words "three months after the date of commencement of title to the purchase";

(iii) by inserting next after the same paragraph the following new paragraph :—

(b1) Where—

(i) any person to whom a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended;

(ii)

(ii) any person in whom a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; or

(iii) any person who is the holder of a settlement purchase which was converted from a closer settlement lease of which he became the holder as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or from a closer settlement lease which was vested in him in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended,

is the holder or the owner (subject to mortgage) of any other land such person may, with the consent of the Minister, and subject to such conditions as the Minister may impose, perform the condition of residence by residing either on the settlement purchase or on such other land of which such person is the holder or the owner (subject to mortgage).

Sec. 30. (Restriction on purchase.)

(d) by inserting in section thirty after the words "purchase money" where lastly occurring the words "or after the issue of the certificate of fulfilment of conditions in respect of the settlement purchase lease or the group purchase lease or the closer settlement

settlement lease of which the purchase is a conversion : Provided that it shall be competent for a married man and his wife, subject to section thirty-one of this Act, to jointly acquire a settlement purchase by transfer prior to the issue of either of such certificates.

Where either of such certificates has not been issued and the transfer of such a purchase before grant is made to two persons, being a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved";

(e) by inserting at the end of section thirty-one the following new subsections :— Sec. 31. (Transfer and mortgage.)

(2) Where—

(a) a settlement purchase has been allowed on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, to any person who, at the time of the allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) a settlement purchase has been vested in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, in any person who, at the date of the vesting, was the holder or the owner (subject to mortgage) of any other land,

such

such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(3) Where—

(a) as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, a closer settlement lease was allowed to any person who, at the time of allowance, was the holder or the owner (subject to mortgage) of any other land; or

(b) in pursuance of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, a closer settlement lease was vested in any person who, at the date of vesting, was the holder or the owner (subject to mortgage) of any other land,

and such lease has subsequently been converted into a settlement purchase and the settlement purchase and any such other land are held or owned (subject to mortgage) by the holder or the owner (subject to mortgage) of the settlement purchase, such settlement purchase (irrespective of whether the grant has or has not issued) shall not, except with the consent of the Minister, be transferred separately from such other land, and any such other land shall not, except with the consent of the Minister, be transferred separately from such settlement purchase (irrespective of whether the grant has or has not issued).

(f) by omitting section thirty-four and by inserting in lieu thereof the following section :— Substituted sec. 34.

34. (1) The Governor may issue a grant after the balance of the purchase money and any other moneys owing by the holder to the Crown in respect of the settlement purchase, including any money advanced by the Minister in respect of the land under section 8C of the War Service Land Settlement Act, 1941, as subsequently amended, have been paid and upon the local land board finding that the condition of residence has been fulfilled, and that any other conditions attaching to the settlement purchase have been fulfilled to the date of such finding : Grant.

Provided that in any case where a certificate of fulfilment of conditions has been issued by the local land board in respect of a settlement purchase lease or a group purchase lease or a closer settlement lease of which a settlement purchase is a conversion and all moneys referred to in this subsection have been paid, a grant may be issued without further finding by the local land board.

(2) All grants of land issued under the authority of the Closer Settlement Acts shall contain a reservation of all minerals in such land, and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

(g) by omitting from section thirty-six the words "shall not be open to application for settlement purchase until again notified for the purpose" and by inserting in lieu thereof the words "shall thereafter be dealt with and disposed of under the provisions of the Closer Settlement Acts and in no other way". Sec. 36. (Forfeiture.)

(2)

Amendment of Act No. 44, 1906.

(2) The Closer Settlement (Amendment) Act, 1906, as subsequently amended, is amended—

Sec. 3. (On vesting of land, lessees of then owner to become tenants of Minister.)

(a) by omitting subsection three of section three and by inserting in lieu thereof the following subsection :—

(3) The Minister may also grant a preferential right to any holder or owner (subject to mortgage) of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase or closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already held or owned (subject to mortgage) by the applicant. Where a person is qualified under the provisions of this subsection to be granted a preferential right, the Minister may, on the application of that person and his spouse, grant the preferential right to them jointly.

Sec. 7. (Reservation from sale, selection, or lease.)

(b) by inserting in section seven after the word "area" the words "or within a closer settlement lease area";

Sec. 8. (Land not disposed of at end of twelve months.)

(c) by omitting section eight.

Further amendment of Act No. 21, 1909.

(3) The Closer Settlement (Amendment) Act, 1909, as subsequently amended, is further amended—

Sec. 21. (Setting apart for closer settlement.)

(a) (i) by omitting from subsection three of section twenty-one the words "Crown lands may" and by inserting in lieu thereof the words "Crown lands or lands acquired under the Closer Settlement Acts may";

(ii)

(ii) by inserting in subsection five of the same section after the words "separated portions" the words "and what special conditions (if any) shall attach to each farm";

(iii) by inserting at the end of the same subsection the following new paragraphs :—

The Minister may in a notification under this section notify that in respect of any one or more of the farms priority and preference as prescribed shall be given to applications by discharged members of the forces within the meaning of the War Service Land Settlement Act, 1941, as subsequently amended, or by such discharged members of the forces who are the holders of appropriate qualification certificates issued under such Act, as so amended, and the local land board when dealing with applications for any farm or farms in respect of which the Minister has notified that priority and preference shall be given as aforesaid shall give priority and preference as prescribed. Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.

Any notification under this section may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value, and the amounts of deposit and interest which are to be paid by the purchaser.

New sec. 21A.

(b) by inserting next after section twenty-one the following new section :—

Setting apart of lands as both a settlement purchase area and a closer settlement lease area.

21A. (1) Land which is set apart under section twenty-one of this Act as a settlement purchase area may in the same notification be set apart as a closer settlement lease area in accordance with section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended.

(2) A notification setting apart land as a settlement purchase area and as a closer settlement lease area—

(a) shall be deemed to be a notification under section twenty-one of this Act and a notification under section seven of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended; and

(b) may specify a period during which all applications, whether for settlement purchases or closer settlement leases, shall, where conflicting, be deemed to have been made simultaneously.

(3) Where such a notification specifies a period in accordance with paragraph (b) of subsection two of this section, so much of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, as deems applications for settlement purchases to have been made simultaneously or as, by reason of its application to closer settlement leases by section eight of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, deems applications for closer settlement leases to have been made simultaneously shall not apply to applications made during a period so specified.

(4)

(4) The provisions of section twenty-eight of the Closer Settlement Act, 1904, as subsequently amended, and the regulations thereunder, shall, mutatis mutandis, apply to and in respect of applications, whether for settlement purchases or closer settlement leases, made pursuant to a notification referred to in subsection one of this section otherwise than during a period, if any, specified in the notification as mentioned in paragraph (b) of subsection two of this section.

(5) In any proceedings before a local land board, any applications, whether for settlement purchases or closer settlement leases, lodged in proper manner pursuant to a notification referred to in subsection one of this section during any period which, under this section, is a period during which all such applications are deemed to have been made simultaneously shall, where conflicting, be deemed to have been made simultaneously.

Further amendment of Act No. 21, 1937.

(4) The Closer Settlement (Amendment) Act, 1937, is further amended—

Sec. 3. (Instalments and interest.)

(a) by inserting in paragraph (a) of section three after the words "this Act" the words "and before the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968,";

(b) by inserting next after the same paragraph the following new paragraphs :—

(a1) except as provided in paragraph (a2) of this section and in paragraphs seven and eight of section 4B and subsection three of section 9F of the Closer Settlement Amendment (Conversion) Act, 1943,

1943, as subsequently amended, in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this paragraph referred to as the "period of interest payments") of five years commencing on the date of commencement of title to the settlement purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(iii) Payments in respect of interest shall be due on the first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of November next preceding.

(iv)

(iv) On the first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(a) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the first day of December next preceding the day on which the payment becomes due; and

(b) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the notified or capital value of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirtieth day of November next following bears to a period of one year.

(v) On the first day of December next after the expiration of the sixth year from the commencement of title to the settlement purchase a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(vi) Any payments due under subparagraph (ii), (iii), (iv) or (v) of this paragraph shall be paid on the day upon which they are due.

(a2) in the case of a settlement purchase the title to which commences on or after the commencement of section eight of the Crown Lands and Closer Settlement (Amendment) Act, 1968, being a settlement purchase which was allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the following provisions shall apply :—

(i) The deposit for such settlement purchase shall be at the rate of six per centum of the notified or capital value.

(ii) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(iii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the notified or capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money

money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iv) Any payments due under subparagraph (ii) or (iii) of this paragraph shall be paid on the day upon which they are due.

(5) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended— Further amendment of Act No. 38, 1943.

(a) by inserting in subsection four of section one next after the matter relating to Part II the following new matter :— Sec. 1. (Short title, commencement and division into Parts.)

PART IIA.—CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES—*ss.* 4A–4B.

(b) by inserting in section 1A next before the definition of "Tender purchase" the following new definition :— Sec. 1A. (Interpretation.)

"Build-up holding" means lands which an advisory board has reported pursuant to subsection eight of section 4A, or subsection two of section 9D, of this Act as being substantially less than a home maintenance area.

(c) by inserting next after section four the following new Part :— New Part IIA.

## PART IIA.

### CONVERSION OF SETTLEMENT PURCHASE LEASES, GROUP PURCHASE LEASES AND CLOSER SETTLEMENT LEASES INTO SETTLEMENT PURCHASES.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease.

4A. (1) The holder or the owner (subject to mortgage) of any settlement purchase lease or of any group purchase lease or of any closer settlement lease which is not liable to forfeiture may apply to convert any such lease into a settlement purchase.

(2) An application shall be made in the manner and in or to the effect of the form and shall be accompanied by the deposit prescribed by regulations made under the Closer Settlement Acts.

(3) In the case of an application under this section by the owner (subject to mortgage) the consent of the mortgagee to the application shall be necessary. Where the Minister is the mortgagee his consent shall not be necessary.

(4) If the perpetual lease grant has been issued in respect of the lease, the subject of the application, a surrender thereof to the Crown in the prescribed form shall be executed and forwarded with the application.

If the application is not granted, the surrender shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have the grant returned to him.

(5) The Minister may at his discretion grant or refuse the application, and where the application is granted the conversion shall be deemed to have taken effect as from the date of such granting.

(6) Any areas required for roadways may be excluded by the Minister from the conversion. Any areas so excluded shall thereupon be deemed to have been surrendered to the Crown.

(7) The cost of dealing with the application, any amount payable thereon in respect of stamp duty, any moneys payable for rent (including deferred

deferred or funded rent) on the converted lease or as interest (including deferred or funded interest) calculated up to the date of the conversion in respect of the capital value owing to the Crown for structural or other improvements on the land and a deposit of six per centum of the price of the purchase less any excess applied pursuant to subsection nine of this section shall be paid by the applicant on demand, and if any part of any such sum remains unpaid for three months after demand the purchase may be declared by the Minister to have lapsed, and any moneys paid therewith shall thereupon become forfeited.

Where a purchase is declared to have lapsed under this subsection, the application for conversion shall be deemed not to have been made, the surrender of the perpetual lease grant, if any, shall be deemed to have had no effect and the applicant or his mortgagee shall be entitled to have any such grant returned to him.

(8) Where an application under this section for the conversion of a closer settlement lease, which was vested in a person under section 9F of this Act, is granted within five years after the date of commencement of title to such lease, the Minister shall, unless a report has previously been made under subsection two of section 9D of this Act, request an advisory board to report whether the land comprised in the lease at the date of vesting was substantially less than a home maintenance area. Upon receipt of such request the advisory board shall report accordingly.

(9) No refund shall be made as a consequence of any conversion under this section, but if upon adjustment of moneys after conversion there remains available any excess, such excess shall be credited to the applicant for conversion and applied in reduction of the amounts payable under subsection seven of this section or applied in such manner as

as the Minister with the consent of the applicant may direct in or towards satisfaction of any debt of the applicant to the Crown.

(10) Where any lease converted under this section was, immediately before such conversion, subject to a mortgage charge or other security—

(a) the mortgagee or person holding or entitled to the benefit of the mortgage charge or other security shall be deemed to retain the rights, powers, and remedies which are expressly or impliedly given to him by the mortgage charge or other security against the mortgagor and to have the same rights, powers and remedies which are so expressly or impliedly given in respect of the settlement purchase as he had or would have had in respect of the lease if the conversion had not been effected, and the covenants, conditions, stipulations and provisions of the mortgage charge or other security shall be deemed to apply to and to be capable of being enforced as if such mortgage charge or other security had been given or executed in respect of the settlement purchase into which the lease has been converted; and

(b) if the mortgage charge or other security is constituted, wholly or in part, by a transfer registered in the books of the Department of Lands, such transfer shall be deemed to extend to the settlement purchase into which the lease is converted in the same manner as it applied to the lease so converted and such transfer shall be recorded in the books of that Department as a transfer of the settlement purchase.

(11) The Minister may permit the withdrawal of an application at any time before granting, subject to payment by the applicant of the costs incurred in dealing with such application.

Conversion of settlement purchase lease or group purchase lease or closer settlement lease—conditions upon conversion.

4B. Upon conversion of a settlement purchase lease or a group purchase lease or a closer settlement lease into a settlement purchase, such settlement purchase shall be subject to regulations made under the Closer Settlement Acts and to the general provisions of the Closer Settlement Acts relating to settlement purchases except that—

(1) The price of a settlement purchase which is a conversion of a settlement purchase lease or a group purchase lease shall be an amount which is forty times the annual rent of the lease at the date of granting of the conversion.

(2) The price of a settlement purchase which is a conversion of a closer settlement lease shall be an amount equivalent to the sum of the capital value of the lease at the date of granting of the conversion and the balance of the capital value owing to the Crown for structural or other improvements on the farm, other than any amount so owing in respect of any advance made in pursuance of the War Service Land Settlement Act, 1941, as subsequently amended, for the purpose of paying for or effecting improvements upon such farm.

(3) The condition of residence for a term of five years attaching to such settlement purchase shall be reduced by the period of residence performed in respect of the lease of which it is a conversion, but where the condition of residence attaching to such lease has been suspended or remitted or the holder of the lease is entitled by virtue of any consent or permission to perform the condition of residence elsewhere than

on

on such lease, the condition of residence for a term of five years attaching to the settlement purchase shall be modified accordingly.

(4) The condition relating to the making of improvements on the lease the subject of the settlement purchase shall be deemed to have been fulfilled to the extent that improvements have been made on that land while it was the subject of the lease of which the settlement purchase is a conversion.

(5) The Minister shall, at the date of granting of the application for conversion, determine which of the conditions, special conditions or restrictions then attaching to the lease and binding on the applicant in pursuance of the provisions of the Closer Settlement Acts, or of regulations made thereunder, shall attach to the settlement purchase before grant.

The conditions, special conditions or restrictions so determined shall attach accordingly and shall be binding upon the applicant and his successors in title.

(6) Where at the date of granting of conversion of any lease under this Part, there exists, in respect of such lease, any debt (other than that required to be paid under subsection seven of section 4A of this Act or included in the price of a purchase in pursuance of paragraph two of this section) payable but not finally due to the Crown under the provisions of the Closer Settlement Acts, or any other Act, such debt shall,

shall, irrespective of the conversion, continue to be payable to the Crown in pursuance of the Act under which it was incurred and such provisions shall continue to apply to such debt.

(7) Where a settlement purchase under this Part is—

(a) a conversion of a closer settlement lease, being a build-up holding, the title to which commenced less than five years before the granting of the conversion; or

(b) a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the title to which lease commenced less than five years before the granting of the conversion; or

(c) a conversion of a settlement purchase lease, group purchase lease or a closer settlement lease the title to which commenced five years or more before the granting of the conversion,

the following provisions shall apply :—

(i) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing

owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(ii) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase price of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(8) Where a settlement purchase under this Part is a conversion of a closer settlement lease (not being a build-up holding or a conversion of a closer settlement lease allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended) the title to which commenced less than five years before the granting of the conversion, the provisions of paragraph

(a1)

(a1), subparagraph (i) excepted, of section three of the Closer Settlement (Amendment) Act, 1937, as subsequently amended, shall apply to such settlement purchase subject to the following—

(a) the period of interest payments referred to in subparagraph (ii) of that paragraph shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date of granting of the conversion;

(b) the interest payable for such reduced period shall be at the rate or rates which would be payable on a settlement purchase the title to which commenced on the same date as the title to the lease converted;

(c) the word "reduced" shall be deemed to be inserted in subparagraph (iv) of that paragraph next before the words "period of interest payments" wherever occurring;

(d) the words "notified or capital value" shall be deemed to be omitted from paragraph (b) of the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof;

(e) the words "the sixth year from the commencement of title to the settlement purchase" shall be deemed to be omitted from subparagraph (v) of that paragraph and the words "a period of twelve months after the expiration of the reduced period of interest payments" shall be deemed to be inserted in lieu thereof;

(f)

(f) the words "notified or capital value" shall be deemed to be omitted from the same subparagraph and the words "purchase price" shall be deemed to be inserted in lieu thereof.

Sec. 7. (Setting apart.)

(d) by inserting at the end of paragraph (a1) of subsection two of section seven the words "Priority and preference as aforesaid shall be given in any case where a joint application is made by spouses either of whom is such a discharged member of the forces.";

Sec. 8. (Applications for closer settlement leases.)

(e) (i) by omitting from section eight the words "On and after the date notified for that purpose any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply for any farm notified as available as a closer settlement lease." and by inserting in lieu thereof the following paragraph :—

On and after the date notified for that purpose—

(a) any person who is qualified to apply for a settlement purchase under the Closer Settlement Acts and who has sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply; or

(b) any married man and his wife who are competent to apply jointly for a settlement purchase under the Closer Settlement Acts and who either jointly

or

or severally have sufficient capital and the necessary experience and fitness to satisfactorily occupy and develop a farm notified as available as a closer settlement lease may apply jointly,

for any farm notified as available as a closer settlement lease.

(ii) by inserting at the end of the same section the following new proviso and new subsection :—

Provided further that where in pursuance of subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, the Minister has granted a preferential right to any holder or owner (subject to mortgage) of land to apply for a closer settlement lease subject to the provisions of the Closer Settlement Acts within a reasonable working distance of the land already so held or owned, the local land board when dealing with applications for any farm or farms within a closer settlement lease area shall give preference to any application made by an applicant to whom such a right has been granted. Such preference shall be given in accordance with the right granted by the Minister.

(2) A person shall not make, either alone or jointly, more than one application for a farm within the same closer settlement lease area unless any prior application made by him, either alone or jointly, for a farm within that closer settlement lease area and any application made by him, either alone or jointly, for a farm within a settlement purchase area notified at the one time over the same lands, have been withdrawn or refused.

(f) (i) by omitting from paragraph (b) of subsection two of section nine the words "where a person" and by inserting in lieu thereof the words

Sec. 9. (Closer settlement leases.)

words "where any person to whom a closer settlement lease is allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended, or where any person";

(ii) by inserting at the end of the same paragraph the following new proviso :—

Provided further that where a closer settlement lease is allowed to two persons, being a married man and his wife, jointly, they shall, for the purpose of performing the condition of residence, be deemed to be one person but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

Sec. 9A. (Applications to Minister to acquire lands.)

(g) (i) by inserting at the end of subsection one of section 9A the following new paragraph :—

Any married man and his wife who are competent to apply for a settlement purchase under the Closer Settlement Acts may make or join in an application under this subsection.

(ii) by inserting in subsection two of the same section after the word "Acts" the words "and shall specify whether the applicant desires the lands specified in the application to be vested in him as a closer settlement lease or as a settlement purchase";

Sec. 9D. (Purchase of land.)

(h) by inserting at the end of section 9D the following new paragraph and new subsection :—

For the purposes of paragraph (e) of this subsection, where a married man and his wife make or join in an application under section 9A of this Act they shall be deemed to be one person.

(2)

(2) Where an applicant holds other lands referred to in paragraph (b) of subsection one of this section, the advisory board shall report also whether the lands the subject of his application are substantially less than a home maintenance area.

(i) (i) by omitting from paragraph (a) of subsection one of section 9F the words "as closer settlement leases" and by inserting in lieu thereof the words "either as closer settlement leases or settlement purchases"; Sec. 9F. (Vesting of land in applicant.)

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(b1) Each applicant shall, when requested by the Minister to do so, pay—

(i) in the case of a farm to be held as a closer settlement lease, such amount as may be specified in the request in respect of stamp duty and the first year's annual rent; or

(ii) in the case of a farm to be held as a settlement purchase, such amount as may be specified in the request in respect of stamp duty and a deposit of six per centum of the capital value as so specified.

(iii) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following paragraph : —

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, and—

(i) in respect of each farm to be held as a closer settlement lease, the capital value (exclusive of the capital value of any structural and any other improvements which the Minister on the recommendation

recommendation of an advisory board determines should be paid for by the incoming tenant), the annual rent, the nature and value of any structural and other improvements which are to be paid for by the incoming tenant and the special conditions (if any) and restrictions which shall attach to such farm; or

(ii) in respect of each farm to be held as a settlement purchase, the capital value (inclusive of the capital value of any structural and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by the incoming purchaser), the annual instalment to be paid, the period or periods for which interest only is payable and the rate or rates of such interest and the special conditions (if any) and restrictions which shall attach to such farm.

Any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease or settlement purchase under paragraph (d) of this subsection.

(iv) by inserting in paragraph (d) of the same subsection after the words "closer settlement lease" wherever occurring the words "or settlement purchase, as the case may be";

(v) by inserting in paragraph (d1) of the same subsection after the word "improvements" the words "and of the deposit or the amounts of the deposit and interest,";

(vi) by inserting next after subsection two of the same section the following new subsections :—

(3) The following provisions shall apply to a settlement purchase, being a build-up holding, under this Part :—

(a) On the first day of December next after the commencement of title to the settlement purchase a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirtieth day of November next succeeding the date of commencement of title to the purchase.

(b) On each succeeding first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the capital value of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(c)

(c) Any payments due under this subsection shall be paid on the day upon which they are due.

(4) Subject to this Part, the provisions of the Closer Settlement Acts and the regulations thereunder relating to settlement purchases shall apply, mutatis mutandis, to settlement purchases under this Part of this Act.

Sec. 9G. (Penalties.)

(j) (i) by inserting in subsection two of section 9G after the words "closer settlement lease" the words "or settlement purchase";

(ii) by inserting in the same subsection after the word "and" the words "in the case of a settlement purchase the provisions of section thirty-six of the Closer Settlement Act, 1904, as subsequently amended, and in the case of a closer settlement lease";

Sec. 11. (Restrictions on transfer.)

(k) (i) by omitting subsection (1A) of section eleven and by inserting in lieu thereof the following subsection :—

(1A) Where—

(a) any person to whom a closer settlement lease has been allowed as a consequence of a preferential right granted in accordance with subsection three of section three of the Closer Settlement (Amendment) Act, 1906, as subsequently amended; or

(b) any person in whom a closer settlement lease has been vested in pursuance of section 9F of this Act,

at the time of the allowance or vesting, was the holder or the owner (subject to mortgage) of any other land such closer settlement lease shall

shall not, except with the consent of the Minister, be transferred separately from such other land, and such other land shall not, except with the consent of the Minister, be transferred separately from such closer settlement lease.

(ii) by inserting at the end of subsection four of the same section the following new paragraph :—

This subsection does not apply to a married man and his wife who are competent to apply for and hold a closer settlement lease.

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

(6A) It shall be competent for a married man and his wife who are not subject to any disqualification under the Closer Settlement Acts from applying for and jointly holding a closer settlement lease to acquire by transfer and to jointly hold a closer settlement lease prior to the issue of the certificate of fulfilment of conditions in respect thereof.

Where such certificate has not been issued and the Minister gives his consent to the transfer of such a lease to a married man and his wife, they shall be deemed to be one person for the purpose of performing the condition of residence but that condition may be fulfilled by such one of them as is approved by the local land board where they are living apart under an order for judicial separation made by a court of competent jurisdiction or their marriage has been dissolved.

(l) by omitting from subsection two of section twenty-three the words "or closer settlement leases" and by inserting in lieu thereof the words "closer settlement leases or settlement purchases". Sec. 23. (Regulations.)

Amendment of Act No. 43, 1941.

Sec. 8c. (Advances and other assistance to settlers under this Act.)

(6) The War Service Land Settlement Act, 1941, as subsequently amended, is amended by omitting from subsection five of section 8c the word "holding" wherever occurring and by inserting in lieu thereof the word "land".

Further amendment of Act No. 7, 1913.

Sec. 197. (Exchanges, resumptions and purchases for public purposes.)

(7) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

(a) by omitting from subsection one of section one hundred and ninety-seven the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(b) by omitting from subsection three of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts";

(c) by omitting from subsection four of the same section the words "Part IV or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts" and by inserting in lieu thereof the words "for disposal in accordance with the Closer Settlement Acts".

(8) Any application for the acquisition of any lands under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, made by a married man and his wife or in which a married man and his wife joined, and any closer settlement lease purporting to have been vested pursuant to any such application, before the commencement of this section, shall be, and be deemed always

always to have been, as valid and effectual as it would have been had the amendments to that Part made by subsection five of this section been in force at the time when the application was made or the lease purported to have vested.

Amendment of Act No. 73, 1912. Sec. 11c. (Conversion of leaseholds.)

**9.** (1) The Irrigation Act, 1912, as subsequently amended, is amended by omitting subsections (1A) and (1B) of section 11c.

Further amendment of Act No. 7, 1913.

(2) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

Sec. 139. (Irrigation area, how dealt with.)

(a) by inserting at the end of subsection two of section one hundred and thirty-nine the following paragraphs :—

(e) The Minister shall have and be deemed always to have had power to declare by notification in the Gazette and in a local newspaper that lands are available for disposal—

(i) by way of purchase in fee-simple as irrigation farm purchases and alternatively by way of lease as irrigation farm leases;

(ii) by way of purchase in fee-simple as non-irrigable purchases and alternatively by way of lease as non-irrigable leases; or

(iii) by way of purchase in fee-simple as town land purchases and alternatively by way of lease as town land leases,

and shall specify a date on and after which such purchases and leases may be applied for.

(f) A notification under paragraph (d) or (e) of this subsection may specify a period during which all applications made pursuant to the notification shall, where conflicting, be deemed to have been made simultaneously and any other provision of this Act or any provision of the regulations deeming applications to have been made simultaneously shall not apply to applications made during any period so specified.

(g) In any proceedings before the Commission or a special land board any applications lodged in proper manner during any such period as is referred to in paragraph (f) of this subsection shall, where conflicting, be deemed to have been made simultaneously.

(h) Nothing in paragraph (f) of this subsection affects the operation of any regulation relating to applications being made simultaneously where the applications were made during any period, not being a period specified in a notification as mentioned in that paragraph.

**Sec. 140. (Applications for holdings.)**

(b) (i) by omitting paragraphs (a) and (b) of subsection two of section one hundred and forty;

(ii) by omitting from the same subsection the words "Provided that in the case of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the survey fee shall not be required to accompany an application but shall be paid by the successful applicant at a time and in a manner to be specified in the notification under paragraph (d) of subsection two of section one hundred and thirty-nine of this Act that the lands are available for disposal.";

(c)

(c) by inserting at the end of subsection one of section one hundred and forty-one the following new paragraphs :— Sec. 141. (Applications, how dealt with.)

An applicant shall pay the deposit referred to in paragraph (a) of subsection (7A) of section one hundred and forty-two of this Act and a survey fee according to the prescribed scale when and within the time directed by the Commission and before the granting of the application.

If the applicant fails to pay the deposit and survey fee within the time directed by the Commission, the Commission may refuse the application.

(d) (i) by omitting from subsection seven of section one hundred and forty-two the words "The holder may pay the whole or any part of such purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed, provided that where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying the instalments as provided for in this subsection, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply such sum in repayment of the purchase money."; Sec. 142. (Conditions, &c., of irrigation farm purchases.)

(ii) by inserting next after the same subsection the following new subsections :—

(7A) Notwithstanding the provisions of subsection seven of this section and except as provided in subsection (7B) of this section in the case of an irrigation farm purchase (other

(other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply :—

(a) The deposit for such irrigation farm purchase shall be at the rate of six per centum of the purchase money.

(b) Interest only shall be payable on the amount owing from time to time in respect of the purchase for the period (in this subsection referred to as the "period of interest payments") of five years commencing on the date of granting of the irrigation farm purchase, and such interest shall be at the following rates, namely :—

| Year of the period of interest payments. | Rate of interest payable in respect of that year. |
|---|---|
| First .. .. | 2 per centum per annum. |
| Second .. .. | 3 per centum per annum. |
| Third .. .. | 3½ per centum per annum. |
| Fourth .. .. | 4 per centum per annum. |
| Fifth .. .. | 4½ per centum per annum. |

(c) Payments in respect of interest shall be due on the thirty-first day of December in each year during the period of interest payments and shall be calculated up to and including the thirtieth day of December next preceding.

(d)

(d) On the thirty-first day of December next after the expiration of the period of interest payments, a payment shall be due which shall consist of the following amounts :—

(i) an amount by way of interest at the rate of four and one-half per centum per annum on the amount then owing in respect of the purchase calculated in respect of that part of the last year of the period of interest payments which commenced on the thirty-first day of December next preceding the day on which the payment becomes due; and

(ii) an amount by way of instalment of the purchase money and interest thereon at the rate of five per centum per annum which bears the same proportion to six per centum of the purchase price of the land as the period commencing on the expiration of the period of interest payments and terminating on the thirty-first day of December next following bears to a period of one year.

(e) On the first anniversary after the payment referred to in paragraph (d) of this subsection became due a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money and thereafter in like manner a like instalment shall become due annually until the balance of the purchase money together with interest at the rate of five

five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(f) Any payments due under paragraph (b), (c), (d) or (e) of this subsection shall be paid on the day upon which they are due.

In this subsection the expression "date of granting" includes in the case of a purchase by auction or tender the date of the sale or the acceptance of the tender.

(7B) Notwithstanding the provisions of subsection seven of this section, in the case of a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) the following provisions shall apply :—

(a) in the case of a conversion of such a lease the title to which commenced five years or more before the date upon which the conversion took effect the following provisions shall apply :—

(i) On the thirty-first day of December next after the date upon which the conversion took effect a payment shall be due of an amount by way of interest at the rate of five per centum per annum on the amount owing in respect of the purchase and such interest shall be calculated up to and including the thirty-first day of December next succeeding the date upon which the conversion took effect.

(ii) On each succeeding thirty-first day of December a payment shall be due by way of instalment of the purchase money at the rate of six per centum of the purchase money of the land and thereafter in like manner a like instalment shall become due annually until the balance of purchase money together with interest at the rate of five per centum per annum on the amount owing from time to time shall have been paid; but two or more instalments may be paid at the same time.

(iii) Any payments due under this paragraph shall be paid on the day upon which they are due.

(b) in the case of an irrigation farm purchase that is a conversion of an irrigation farm lease, the title to which commenced less than five years before the date upon which the conversion took effect, the provisions of subsection (7A) of this section shall apply to such irrigation farm purchase subject to the following :—

(i) the period of interest payments referred to in paragraph (b) of that subsection shall be reduced by a period equivalent to that from the date of commencement of title to the lease converted to the date upon which the conversion took effect;

(ii)

(ii) the interest payable for such reduced period shall be at the rate or rates which would be payable on an irrigation farm purchase the title to which commenced on the same date as the title to the lease converted;

(iii) the word "reduced" shall be deemed to be inserted in paragraph (d) of that subsection next before the words "period of interest payments" wherever occurring.

(7C) The holder of an irrigation farm purchase may pay the whole or any part of the purchase money at any time, and the Rural Bank may waive interest on the amount so paid from such date as it may fix or may place such amount to the credit of the holder in its books and allow him interest thereon from such date as the Rural Bank may fix and at such rates as may be prescribed.

(7D) Where portion only of the purchase money is paid no such payment or credit shall affect the obligation of the holder to continue paying instalments as provided for in this section, but when the sum repaid with interest thereon amounts to the balance owing as principal and interest the Rural Bank shall apply that sum in repayment of the purchase money.

Sec. 142A. (Conditions, &c., of non-irrigable purchases.)

(e) (i) by omitting from paragraph (b) of section 142A the words "the balance" and by inserting in lieu thereof the words "except in the case of a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is

is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the balance";

(ii) by inserting next after the same paragraph the following new paragraph :—

(c) for the purposes of the application of those provisions and conditions to—

(i) a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7A) of section one hundred and forty-two of this Act to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes;

(ii) a non-irrigable purchase, being a conversion of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes the date of granting of which is after the commencement of subsection two of section nine of the

the Crown Lands and Closer Settlement (Amendment) Act, 1968, the reference in subsection (7B) of section one hundred and forty-two of this Act to a conversion into an irrigation farm purchase of an irrigation farm lease (other than an irrigation farm lease which in the opinion of the Minister is mainly suitable for residential purposes) shall be read as a reference to a conversion into a non-irrigable purchase of a non-irrigable lease described in the notification in the Gazette as suitable for farming purposes.

(iii) by inserting at the end of the same section the following new subsection :—

(2) In subsection one of this section, "date of granting" includes—

(a) in relation to a non-irrigable purchase, being a conversion of a non-irrigable lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

Sec. 144C. (Purchase money where area altered.)

(f) by inserting at the end of section 144C the following new subsection :—

(5) Notwithstanding the provisions of subsection four of this section, where land is added to an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister

is

is mainly suitable for residential purposes) or to a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply : —

(a) interest, at the prescribed rate applicable at the date the increase in area takes effect, on the amount if any outstanding in respect of the purchase money of the original holding, from the last due date for the payment of interest or of an instalment of purchase money and interest, as the case may be, to the date the increase in area takes effect, shall be paid by the holder of the purchase within one month after the increase in area takes effect;

(b) interest, at the prescribed rate applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the purchase money of the additional land, from the date the increase in area takes effect to the next annual date for payment shall be paid by the holder of the purchase on that annual date;

(c) after the expiration of the period in respect of which interest is payable under paragraph (b) of this subsection, interest, at the prescribed rates applicable from time to time at the dates on which the interest is payable under this paragraph, on the sum of the amount if any outstanding in respect of the purchase money of the original holding and the amount outstanding in respect

of

of the purchase money of the additional land, shall be paid annually until the whole of the purchase money in respect of the holding as added to has been paid;

(d) where the whole of the purchase money of the original holding has not been paid at the date the increase in area takes effect there shall be paid—

(i) on the same date as the instalment of purchase money of the original holding is due and payable next after the date the increase takes effect and thereafter annually until the whole of that purchase money together with interest thereon has been paid, an amount equal to the sum of that instalment and six per centum of the purchase money of the additional land; and

(ii) after the whole of the purchase money of the original holding has been paid, on each anniversary of the date referred to in subparagraph (i) of this paragraph an instalment of six per centum of the purchase money of the additional land, until the whole of the purchase money of the additional land together with interest payable thereon has been paid;

(e) where the whole of the purchase money of the original holding has been paid at the date the increase in area takes effect an instalment of six per centum of the purchase money of the additional land shall be paid on the thirty-first day of December next after the date the increase in area takes effect and thereafter a like instalment shall

be

be paid annually until the whole of the purchase money together with interest payable thereon has been paid.

In this subsection—

"date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender;

"prescribed rate" means—

(a) in relation to an original purchase in respect of which the period of interest payments referred to in subsection (7A) or (7B), whichever is applicable to the original purchase, of section one hundred and forty-two of this Act has not expired —the appropriate rate specified in subsection (7A) of that section; and

(b) in relation to an original purchase in respect of which the period of interest payments so referred to does not apply or has expired—five per centum per annum.

(g) (i) by omitting from subsection one of section one hundred and forty-five the words "This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area or to an irrigation farm lease or a non-irrigable lease granted in respect

Sec. 145. (Conversion of I.F.L. to I.F.P., &c.)

respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or to an irrigation farm lease or a non-irrigable lease described in any notification in the Gazette under the provisions of section one hundred and thirty-nine of this Act as suitable for farming purposes, granted after the commencement of the Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act, 1955.";

(ii) by inserting in subsection two of the same section after the word "deposit" the words "and, in the case of a conversion to which the provisions of subsection (7B) of section one hundred and forty-two of this Act apply, a further deposit of six per centum of the purchase moneys";

Sec. 146A. (Conditions attaching to sub-divisions of purchases.)

(h) by inserting next after subsection three of section 146A the following new subsection :—

(3A) Notwithstanding the provisions of subsection three of this section where the purchase which has been subdivided is an irrigation farm purchase (other than an irrigation farm purchase which in the opinion of the Minister is mainly suitable for residential purposes) or a non-irrigable purchase described in the notification in the Gazette as suitable for farming purposes and the date of granting of the irrigation farm purchase or the non-irrigable purchase is after the commencement of subsection two of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, the following provisions shall apply—interest on the purchase money of each subdivided portion at the rate applying in respect of the purchase prior to its being subdivided from the date the subdivision takes effect to the next annual date for

payment

payment in respect of such purchase in accordance with the provisions of section one hundred and forty-two or section 142A of this Act, as the case may be, shall be paid on that annual date and the provisions of the said section one hundred and forty-two or 142A, as the case may require, shall apply to each subdivided portion and to the holder thereof so as to require the payment of interest, or instalments of purchase money of the subdivided portion together with interest, as the case may be, at the same rates and at the same times as would have been applicable to the purchase had it not been subdivided.

In this subsection "date of granting" includes—

(a) in relation to a purchase, being a conversion of a lease, the date on which the conversion takes effect;

(b) in relation to a purchase by auction, the date of the sale; and

(c) in relation to a purchase by tender, the date of acceptance of the tender.

(i) by inserting at the end of subsection (1A) of section 147A the following words :— Sec. 147A. (Re-appraisement of annual rental or of purchase money.)

Provided that where any such conversion is in respect of lands within the irrigation area known as the Coleambally Irrigation Area in respect of which a remission in annual rental was, by reason of the distance of the converted holding from railway facilities, in force at the thirtieth day of June next preceding the date of the conversion, the annual rental of the lease shall, for the purposes of this subsection, be deemed to be the annual rental that was payable on that day having regard to that remission.

Sec. 147D. (Application to Minister to acquire private lands.)

(j) by omitting from subsection one of section 147D the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease";

Sec. 147G. (Purchase of land.)

(k) by omitting from paragraph (c) of section 147G the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or for a non-irrigable purchase or a non-irrigable lease";

Sec. 147J. (Vesting of land in applicant.)

(l) (i) by omitting from paragraph (a) of subsection one of section 147J the words "irrigation farm leases or non-irrigable leases" and by inserting in lieu thereof the words "irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases";

(ii) by omitting from subparagraph (ii) of paragraph (c) of the same subsection the words "the annual rentals" and by inserting in lieu thereof the words "the purchase moneys or the annual rentals, as the case may be,";

(iii) by inserting in subparagraph (iii) of the same paragraph after the words "paid for by the" the words "purchasers or";

(iv) by inserting in subparagraph (v) of the same paragraph after the words "holding by the" the words "purchaser or";

(v) by omitting from subparagraph (vi) of the same paragraph the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(vi) by inserting in subsection three of the same section after the words "In determining the" the words "purchase moneys or";

(vii) by omitting from subsection four of the same section the words "an irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "an irrigation farm purchase or an irrigation farm lease or as a non-irrigable purchase or a non-irrigable lease, as the case may be,";

(viii) by omitting from the same subsection the words "such irrigation farm lease or non-irrigable lease" wherever occurring and by inserting in lieu thereof the words "such irrigation farm purchase or irrigation farm lease or non-irrigable purchase or non-irrigable lease";

(ix) by omitting from subsection (4A) of the same section the words "annual rental of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the incoming tenants," and by inserting in lieu thereof the words "purchase money or annual rental, as the case may be, of the holding and of the nature and value of any improvements which are the property of the Crown and which are to be paid for by the purchasers or the incoming tenants,";

(x) by omitting subsection five of the same section;

(xi) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Subject to the foregoing provisions of this section the provisions of sections one hundred and forty-two, 142A, 142C, 142D, one hundred and forty-four, 144A, 144B, 144C, 144D, one hundred and forty-five, 145A, 145B,

one

one hundred and forty-six, 146A, 146B, one hundred and forty-seven, 147A and 147B and the provisions of Parts VII and VIII of this Act in so far as they are complementary to the said sections shall apply, mutatis mutandis, to holdings vested and held under this Division of this Part of this Act as—

(a) irrigation farm purchases or irrigation farm leases or as non-irrigable purchases or non-irrigable leases, and

(b) irrigation farm leases or non-irrigable leases and subsequently converted.

For the purposes of such application—

(i) the words "the application is granted" in subsection five of section one hundred and forty-two shall be read as "title to the purchase commences";

(ii) the words "as available for disposal" in paragraph (d) of subsection six of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(iii) the words "granting of" wherever occurring in subsection (7A) of the same section shall be read as "commencement of title to";

(iv) the words "making the land available for disposal" in paragraph (a) of subsection one of section 142A shall be read as "vesting the land in the purchaser";

(v) the words "date of granting of" wherever occurring in paragraphs (b) and (c) of the same subsection shall be read as "commencement of title to";

(vi) the words "granting of the application" in subsection four of section 142D shall be read as "commencement of title to the lease";

(vii) the words "section one hundred and thirty-nine or section 144A" in subsection seven of the same section shall be read as "section 147J";

(viii) the words "as available for disposal" in subsection nine of the same section shall be read as "as vesting in any person pursuant to section 147J of this Act";

(ix) the words "granting of" in subsection five of section 144C shall be read as "commencement of title to";

(x) the words "granting of" in subsection (3A) of section 146A shall be read as "commencement of title to";

(m) by omitting from subsection two of section 147K the words "irrigation farm lease or a non-irrigable lease" and by inserting in lieu thereof the words "irrigation farm purchase, irrigation farm lease, non-irrigable purchase or non-irrigable lease". Sec. 147K. (Penalties.)

(3) The Finances Adjustment Act, 1932, as subsequently amended, is further amended by inserting at the end of subsection (3A) of section three the following new paragraph :— Further amendment of Act No. 27, 1932. Sec. 3. (Interest.)

This subsection shall not apply to interest accruing due after the commencement of section nine of the Crown Lands and Closer Settlement (Amendment) Act, 1968, in respect of any sum payable to the Crown, the Water Conservation and Irrigation Commission or the Rural Bank under or by operation of Part VI of the Crown Lands Consolidation Act, 1913, as subsequently amended.

Further amendment of Act No. 7, 1913.

**10.** (1) The Crown Lands Consolidation Act, 1913, as subsequently amended, is further amended—

Sec. 63. (Sale by auction of Crown lands.)

(a) (i) by omitting from subsection one of section sixty-three the words "—not exceeding in the aggregate for the whole State two hundred thousand acres in any one year—";

(ii) by omitting subsection two of the same section;

(iii) by omitting from subsection four of the same section the words "of town lands, suburban lands, or lands which may have been subdivided for sale by auction into areas not exceeding twenty acres, or any portions of country lands";

Sec. 64. (Crown lands not sold at auction; purchase after auction.)

(b) by omitting from section sixty-four the words "town or suburban Crown lands or any portions of country lands of a less area than forty acres," and by inserting in lieu thereof the words "Crown lands";

Sec. 254. (Trespass on Crown lands or dedicated lands.)

(c) by inserting in section two hundred and fifty-four after the word "behalf" the words "or any member of the police force";

Sec. 255. (Removal of trespassers.)

(d) (i) by omitting from section two hundred and fifty-five the words "any person duly authorized" and by inserting in lieu thereof the words "any member of the police force or by any person duly authorised by the Minister";

(ii) by omitting from the same section the words "any officer duly authorized in that behalf" and by inserting in lieu thereof the words "any member of the police force or any person duly authorised by the Minister in that behalf";

(e)

(e) (i) by omitting from section two hundred and fifty-seven the words ", and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919"; Sec. 257. (Subdivision of holdings.)

(ii) by omitting from the same section the words "is registered" and by inserting in lieu thereof the words "is given";

(f) (i) by omitting subsection two of section two hundred and fifty-nine; Sec. 259. (Transfers generally.)

(ii) by omitting from subsection three of the same section the words ", but subsection two of this section shall, as regards transfers of a holding within an irrigation area, be read and construed so as to substitute registration or record in the books of the Commission in lieu of registration or record in the books of the Department of Lands";

(g) by inserting in subsection two of section two hundred and seventy after the words "Crown land agent" the words "or any other prescribed authority". Sec. 270. (Transfers under legal process, &c.)

(2) The Closer Settlement Act, 1904, as subsequently amended, is further amended— Further amendment of Act No. 37, 1904.

(a) by omitting from section twenty-six the words "subsection (a) hereof" and by inserting in lieu thereof the words "paragraph (a) of this subsection"; Sec. 26. (Qualification to apply for land.)

(b) by omitting from section 31B the words "subsection two of section two hundred and fifty-nine and the provisions of". Sec. 31B. (Application of secs. 259 (2) and 261 of C.L.C. Act, 1913.)

(3)

Further amendment of Act No. 38, 1943. Sec. 12. (Special provisions relating to transfers.)

(3) The Closer Settlement Amendment (Conversion) Act, 1943, as subsequently amended, is further amended by omitting from paragraph (b) of subsection one of section twelve the words "subsection two of section two hundred and fifty-nine, and the provisions of".

Further amendment of Act No. 70, 1901. Sec. 28B. (Conversion of lease.)

(4) The Western Lands Act of 1901, as subsequently amended, is further amended by omitting from subsection seven of section 28B the words ", paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three and subsection two of section two hundred and fifty-nine" and by inserting in lieu thereof the words "and paragraphs (a), (c) and (d) of subsection three of section one hundred and eighty-three".

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,
*Governor.*

*Government House,*
*Sydney, 16th December,* 1968.