

Improvement Leases Cancellation.

Act No. 42, 1906.

IMPROVEMENT
LEASES
CANCELLATION.

An Act to provide for the cancellation and forfeiture of certain improvement leases; for the disposal of the land included in such leases, and for the constitution of a board to deal with such land; to amend the Crown Lands Acts; and for purposes consequent thereon and incidental thereto. [19th December, 1906.]

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

Short title.

1. This Act may be cited as the "Improvement Leases Cancellation Act, 1906."

Certificate of
Commissioner.

2. If within four months of the commencement of this Act the Honorable Mr. Justice Owen certifies that any improvement lease, then current and in force, which was the subject of inquiry by the Royal Commission on the administration of the Lands Department was granted or purported to be granted under circumstances evidencing improper acts or serious irregularity, and that such lease should be dealt with under this Act, such certificate shall be notified in the Gazette, and thereupon such lease shall become cancelled and forfeited.

Former lessee to
become preferential
licensee.

3. On such cancellation and forfeiture, the former lessee of the land comprised in such lease shall become the holder of a preferential occupation license thereof, and such land shall thereupon become reserved from sale and lease generally until such reservation is revoked in whole or in part by notification by the Governor in the Gazette.

The said former lessee may within sixty days after such cancellation make application for an improvement lease or improvement leases or for a lease under section eighteen of the Crown Lands Amendment Act, 1903, of the said land or any part thereof.

Constitution and
powers of board to
deal with forfeited
leases.

4. (1) For the purpose of dealing with land comprised in leases so forfeited, the Governor shall appoint a board of three persons, one of whom shall be a judge of the Supreme Court, who shall preside at meetings of the board.

(2)

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(2) Such board shall inquire and finally determine—

- (a) whether any and what part of such land may be leased under an improvement lease or under section eighteen of the Crown Lands Amendment Act, 1903 ;
- (b) the term, not exceeding twenty-eight years, the rent, and the conditions of any such lease ;
- (c) whether, having regard to the circumstances surrounding the granting of the cancelled lease and the equities of the case, the former lessee should have a preferential right to any such improvement lease, or whether such lease should be by auction or tender ;
- (d) whether, and to what extent, the former lessee should be entitled to tenant right as defined in section fifty-one of the Crown Lands Act, 1895, in any improvements effected during the currency of the cancelled improvement lease ;
- (e) the amount of the preferential license fee for such land.

(3) The Governor may fill any vacancy in the board caused by the death or resignation of any member.

5. The fact that land is not of the description for which an improvement lease may be granted under section twenty-six of the Crown Lands Act, 1895, shall not of itself prevent an improvement lease of such land being granted in pursuance of the determination of the said board if, in the opinion of the said board, the said land is unfit for settlement or is not likely to be required for settlement during the currency of the improvement lease.

Improvement lease may be granted of certain lands, notwithstanding section 26 of Act of 1895

6. For the purposes of such inquiry and determination the said board—

Powers of board.

- (a) shall have the powers under the Royal Commissioners Evidence Act, 1901, of persons appointed by the Governor by letters patent under the great seal to make any inquiry ; and
- (b) may inspect or cause to be inspected any land and any improvements thereon.

7. No claim for compensation or damages shall be made or allowed against the Crown for any cancellation or forfeiture of a lease under this Act, or for any improvements on any land comprised in any such lease.

No compensation payable by Crown

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

Regulations.