

60° VICTORIA, 1896.

A BILL

To better regulate applications for land and the disposal of such applications, and to restrict the right of applications in certain cases, and to amend the Crown Lands Acts accordingly.

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. Notwithstanding anything in the Crown Lands Acts, whenever land is, by notice in the *Gazette*, made available for Homestead Selection or Settlement Lease after the passing of this Act, application for such land may, provided such notice shall so state, be made to any Crown Lands Agent in New South Wales, but only during such period or extended period as may be specified for the purpose by notice in the *Gazette*. After the expiration of such period application shall be made only to the Crown Lands Agent of the district in which the land may be situated.

Applications for Homestead Selection or Settlement Leases.

- (a) During such specified period as aforesaid application may be made, tendered, or lodged in any such manner and on such dates as may be prescribed.
- (b) At the time of application the age of the applicant, and such particulars as to his land and family, and all such other particulars as the form of applications may indicate, or as may otherwise be prescribed, shall be stated and shall be verified by declaration.

Ballot.

2

- (c) All such applications shall be forwarded by the Land Agents to the Minister, who may, from time to time, appoint by writing under his hand a Board of Reference of not less than three persons to deal therewith, or may refer such applications to the Local Land Board to deal therewith, in manner hereinafter set forth.
- (d) The Board dealing therewith shall in case of conflicting applications classify the applicants in such order of preference as to such Board may appear desirable in the interests of *bona fide* settlement, and shall recommend, or where the Board is the Local Land Board, determine which of the applicants, if any, shall go to ballot, and any applicants not recommended or approved to go to ballot shall be excluded therefrom and the applications deemed to be withdrawn. In making a classification or determination as aforesaid the Board shall pay regard to the following cases:—
- (i) Where the applicants have families or relatives dependent upon them wholly or partly for support, and do not hold any land.
 - (ii) Where the applicants have families or relatives dependent upon them wholly or partly for support, and hold land, but, in the opinion of the Board, such land is insufficient for the proper maintenance of the applicant.
 - (iii) Where the applicants desire to form a group or family settlement, and have insufficient land individually or collectively for their maintenance.
 - (iv) Where the applicants are members of a family holding adjacent land and desire to settle close to their family and have no other land whereupon to settle.
 - (v) Where the applicants have not families or relatives dependent upon them wholly or partly for support, and do not hold land.
 - (vi) Where the applicants, in the opinion of the Board, already hold sufficient land, or in the opinion of the Board should not be included in any of the foregoing classes.
- (e) Land within the meaning of the Act shall include land held in fee simple or for any less estate, and Crown land held under any lease other than special or annual lease, but shall not include land held under any Mining Act, or land held under occupation license.
- (f) The Minister may accept or modify any recommendation or determination or may from time to time return any report to the Board for reconsideration, and after such Board shall have made any further recommendation may accept or modify such further recommendation.
- (g) Any ballot necessary shall be held where, by whom, and in such manner as may be directed by the Minister, who shall have power to make or approve such arrangements as may seem to him best suited to the convenience of the applicants. Any such ballot shall be held to be valid in law, and to determine the priority of the applications represented in such ballot.
- (h) If so directed by the Minister, prior to ballot, any successful application shall, for all purposes of the Crown Lands Acts, be deemed and taken to have been confirmed by the Land Board on the day on which the ballot shall be held.
- (i) The confirmation of an application by virtue of this Act shall not preclude the Land Board from at any time inquiring (on the initiative of the chairman or otherwise) whether such application has been made in good faith, or from disallowing such application, or declaring that any moneys lodged therewith shall be forfeited to the Crown, in any case where the Land Board is satisfied that the application has been made otherwise than in good faith.

Ballot.

3

3. Notwithstanding anything in the Crown Lands Acts, any Homestead Selection or Settlement Lease, or any Additional Conditional Purchase or any Conditional Lease (if such Additional Conditional Purchase or Conditional Lease be made in pursuance of the provisions of section eleven of the Crown Lands Act of 1895) may be limited to such an area as in the opinion of the Land Board, is, when taken with the total area held by the applicant in fee simple or under Conditional Purchase or Conditional Lease, sufficient for the maintenance of the applicant and his family, if any. Any Additional Conditional Purchase or Conditional Lease which may be applied for in pursuance of the provisions of section eleven of the Crown Lands Act of 1895 may be limited to such an area and to such land as may have been ~~designed or measured~~ for such Additional Conditional Purchase or Conditional Lease prior to the land being set apart for Homestead Selection or Settlement Lease: Provided that such section shall not have any operation in any case where the Governor shall, in connection with any land set apart for any holding of any kind, declare by notice in the *Gazette* that it shall not have any operation.

*Area of
Homestead Selection
with 1/2 acre,
Additional Conditional
Purchase or Settlement
Lease*

*with part of
the Gazette
by the Governor*

