

No. , 1911.

A BILL

To provide for the resumption of certain Crown leases.

[MR. NIELSEN ;— June, 1911.]

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 :—

5 **1.** This Act may be cited as the "Leases Resumption Act, 1911," and shall be taken to have come into operation on the day of , one thousand nine hundred and eleven. Short title and commencement of Act.

Interpretations.

10 **2.** In this Act, except where otherwise clearly intended,— Definitions.
"Crown lease" or "Crown leases" means any or all of the following leases granted under the provisions of the Crown Lands Acts :—Improvement leases ; inferior land leases ; leases granted in pursuance of section eighteen of the Crown Lands Act Amendment Act, 1903 ; occupation licenses ;
15 preferential occupation licenses ; pastoral leases ; scrub leases ; snow leases ; special leases where the area or areas held thereunder
97—(3)

thereunder by one person or by more than one person in the same interest forming one block, or if more than one block are adjoining or adjacent, and whether individually or in the aggregate, exceed a home maintenance area, and leases granted in pursuance of the Western Lands Acts. 5

“Home maintenance area” means area which, when used for the purpose for which it is reasonably fitted, would be sufficient for the maintenance in average seasons and circumstances of an average family.

“Land appeal court” means the land appeal court as constituted by the Crown Lands Acts and the Judicial Offices Act of 1892. 10

“Local land board” means the local land board as constituted by the Crown Lands Acts.

“Minister” means the Secretary for Lands. 15

“Prescribed” means prescribed by this Act or by any regulations made under it.

Resumption of Crown leases.

Minister may
resume.

3. If at any time the Minister may deem it expedient to resume any Crown lease granted before or after the commencement of this Act, for the purposes of closer settlement or for any other purpose declared by the Governor to be a public purpose, it shall be lawful for the Minister, by notification in the Gazette, to resume such lease; and upon such notification the lease therein described shall terminate; and the land the subject of such lease shall be wholly freed therefrom, and from the conditions thereof. If a form of lease has been issued it shall be delivered up to the Minister; Provided that after the aforesaid notification the lessee may retain possession of the land the subject of such lease for a period of three months on the same rental conditions as he held the lands before resumption: Provided further that after the expiration of the said period of three months the Minister may permit the lessee to retain possession of the said lands or part thereof for such period and upon such conditions as may be agreed upon. 25

4. Upon notification of resumption of any Crown lease, the lands the subject thereof shall not be available for an application of any kind under the Crown Lands Acts until they are declared by notification in the Gazette to be so available. 35

Compensation.

Compensation to
lessee.

5. (1) After resumption by the Minister of any Crown lease, the lessee or other person entitled thereto shall be entitled to be paid compensation in respect of his lease. The amount of such compensation shall be computed as follows:—

(a) A sum equal to the amount produced when the annual rental payable for the lease at the date of resumption is multiplied by

by a number corresponding with the number of years that the lease had to run from the aforesaid date. For this purpose any fractional part of a month shall be reckoned as one month ; also

- 5 (b) a sum equal to the full value of the improvements (not to exceed the cost of making such improvements) in which the lessee had tenant-right ; also
- (c) a sum equal to the amount produced when the amount of the value of any improvements on the land leased, and in which 10 the lessee had not tenant-right, is multiplied by a fraction of which the number of years that the lease had to run from the date of resumption is the numerator, and the full term of the lease is the denominator ; and also
- 15 (d) a sum equal to ten per centum on the total of the amounts provided by paragraphs (a), (b), and (c) of this subsection.

(2) No further or additional compensation shall be payable to or recoverable by the lessee or any other person.

(3) For the purposes of this section the value of any improvements, if not agreed upon between the Minister and the lessee, 20 shall be determined by the local land board in accordance with the provisions of section six of the Crown Lands Act of 1889.

Legal provisions.

6. In any case of—

- 25 (a) uncertainty as to the person entitled to receive payment of compensation under this Act ; or
- (b) refusal to accept such compensation when duly tendered ; or
- (c) refusal to deliver up possession of land the subject of a Crown lease which has been resumed under this Act.

the Minister may proceed in the manner provided by the Public 30 Works Act, 1900, in similar circumstances, and, for the purposes of such procedure, the provisions of that Act shall, *mutatis mutandis*, be held to apply ; and the word “ Minister ” shall be substituted for the words “ constructing authority ” therein appearing.

Regulations.

35 **7.** The Governor may make regulations for the purpose of Administration, giving effect to the provisions of any section of this Act, and generally carrying the Act into full effect. All regulations so made shall—

- (a) be published in the Gazette ;
- 40 (b) take effect from the date of publication or from a later date to be specified in such regulations ; and
- (a) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session.

But

But if either House of Parliament passes a resolution, at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation, such regulation shall thereupon cease to have effect.

8. This Act shall be administered by the Secretary for Lands 5 who, for the purpose of such administration, or whenever he deems it necessary for his guidance and information, shall have power to refer any matter for inquiry and report to the local land board, and the said board shall upon such reference proceed accordingly.
