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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1944.

# A BILL

To amend the Western Lands Act of 1901, as amended by subsequent Acts, in certain respects; and for purposes connected therewith.

**B**E 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:—

1. (1) This Act may be cited as the "Western Lands (Amendment) Act, 1944."

Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

*Western Lands (Amendment).*

2. The Western Lands Act of 1901, as amended by subsequent Acts, is amended—

Amendment  
of Act No.  
70, 1901.

(a) by inserting next after section 18F the following new section:—

New sec.  
18FF.

5           18FF. A lease granted after the commence-  
ment of the Western Lands (Amendment) Act,  
1944, pursuant to section twenty-three of this  
Act, shall not be capable of being transferred,  
conveyed, assigned or otherwise dealt with  
10           (except by way of mortgage or discharge of  
mortgage) before the expiration of ten years  
from the commencement of title thereto unless  
the Minister is satisfied that the holder is com-  
pelled by sickness of himself or family, financial  
15           difficulties, incapacity or other adverse circum-  
stances to sell or cease working such lease.

Restrictions  
as to  
transfer.  
cf. Act  
No. 7, 1913,  
ss. 264A,  
273.

Nothing in this section shall affect the operation of the provisions of subsection two of section 18H of this Act.

20           (b) by inserting next after subsection one of section 18G the following new subsection:—

Sec. 18G.  
(Transfers.)

          (1A) (a) Without prejudice to the generality  
of the discretion conferred on the Minister by  
subsection one of this section the Minister shall,  
25           in considering any such application for consent  
in respect of a lease granted after the commence-  
ment of the Western Lands (Amendment) Act,  
1944, pursuant to section twenty-three of this  
Act, have regard to the desirability of prevent-  
ing undue increases in the price of land and its  
30           use for speculative or uneconomic purposes,  
taking into account the circumstances of the par-  
ticular case and all other relevant considerations  
including in particular the following matters:—

cf. Act No.  
38, 1943,  
s. 11 (3);  
Act No. 16,  
1943 (N.Z.),  
s. 50 (3).

35           (i) the amount of the purchase money, rent  
or other consideration to be paid and  
the extent to which it exceeds the fair  
market value of the land or the rent or  
other consideration appropriate to that  
40           fair market value;

(ii)

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*Western Lands (Amendment).*

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(ii) the terms of the transaction, and the terms of any other transaction in any way related thereto.

5 (b) Where upon consideration of the application and having regard to the matters referred to in this subsection the Minister is of opinion that consent should not be given he may refuse such consent.

10 (c) The Minister shall refuse such consent where the amount of the purchase money, rent or other consideration appear to him to exceed by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value.

15 (d) Where the Minister refuses any consent in accordance with paragraph (c) of this subsection any party to the transaction may appeal therefrom to the local land board.

20 Any such appeal shall be in the nature of a rehearing and shall be made in the manner and within the time and in or to the effect of the form and shall be accompanied by the deposit prescribed. The local land board shall have jurisdiction to hear and determine any such appeal. The local land board shall determine the fair market value of the land, or the rent or other consideration appropriate to the fair market value, as the case may require. Any such determination of a local land board may be the subject of an appeal or reference to the Land and Valuation Court in accordance with subsection six of section nine of this Act.

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35 (e) The Minister shall refuse consent to the transaction if the price being paid in respect thereof exceeds by ten per centum or more the fair market value of the land or the rent or other consideration appropriate to the fair market value as determined by the local land board or the Land and Valuation Court, as  
40 the case may be.

(f)

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*Western Lands (Amendment).*

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5 (f) For the purposes of any comparison  
of purchase money, rent or other consideration  
with the fair market value of the land, which is  
required or authorised by this subsection, such  
adjustments shall be made of the amount of  
purchase money, rent, consideration or value as  
10 may be necessary to equate such amount to the  
amount which would be appropriate had the  
transfer or other dealing been on a freehold  
basis and had the fair market value been calcu-  
lated on a freehold basis, and such comparison  
shall be made by reference to the amounts as so  
adjusted.

15 (c) (i) by omitting from subsection two of section 18H the words "upon application to the Minister, obtain a certificate from the Minister that he is entitled to hold the lease or such person may, subject to this Act, sell and transfer the lease" and by inserting in lieu thereof the words "subject to this Act transfer the lease, or make application to the Minister for a certificate that he is entitled to remain the holder of the lease upon the expiration of such period. The Minister shall have discretion to grant or refuse any such application. Sec. 18H. (Mortgages and devo- lutions.)"

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If such person does not within such period obtain the certificate of the Minister as aforesaid or does not transfer the lease the same shall be liable to be forfeited."

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(ii) by omitting from the same subsection the words "If such person does not within any such period become the registered holder of the lease, or does not transfer the lease as aforesaid, the same shall be liable to be forfeited."

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