**CROWN LANDS ACT AMENDMENT BILL 1960**

**House of Assembly, 9 November 1960, pages 1732-3**

Second reading

**The Hon. Sir CECIL HINCKS (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1957. Read a first time.

The Hon. Sir CECIL HINCKS—I move—

*That this Bill ~be now read a second time.*

Under the Crown Lands Act certain limitations are imposed on the unimproved value of lands which a person could hold to qualify for the transfer or subletting of lands or the surrender of leases for other tenure under that Act. The present limitations so far as the transfer and subletting of land are concerned were fixed in 1929, and, so far as the surrender of leases is concerned, were fixed in 1937. Since those limitations were fixed the steep rise in the unimproved values of lands has resulted in a considerable reduction of the area of land which a person may hold under such a lease or agreement.

In an analysis made by the Commissioner of Land Tax, which also takes into account income derived from various classes of land in various locations, the Commissioner has expressed the view that the present limitations are unrealistic in relation to the 1960 assessments and that higher ceilings are justified.

The main object of the Bill is to raise those ceilings in accordance with the Commissioner’s recommendation only so far as the surrender transfer and subletting of land are concerne.

Section 181 of the Act deals with repurchased for closer settlement. Subsection 1

of that section precludes an agreement being made under Part X of the Act for the allotment of repurchased land to a person who already holds repurchased land of an unimproved value of £7,000 or who would by virtue of that allotment become the holder of such land exceeding that value. As this sub- section is drafted it could be argued that an agreement could be made to allot repurchased land to a person who already holds repurchased land the unimproved value of which exceeds £7,000, as it could not be said that the land was of the value of £7,000. Subsection (3) of that section enacts that, provided the limit fixed by this section is not exceeded as to repurchased land, that section would not prevent a person from holding repurchased and other lands up to the unimproved value of £7,000. The implications of this subsection are not clear. No provision of the section precludes a person from holding any land exceeding £7,000 of unimproved value. It is quite conceivable that land of the value of £7,000 when allotted to a person could increase in value thereafter, and the Act does not require him to cease to hold that land after such increase. The obvious intention of the subsection is that no allotment or transfer of repurchased land could be made to any person who as a result of the allotment or transfer became entitled to any repurchased or other lands the unimproved value of which exceeds £7,000.

Subsection (1) deals with the allotment of repurchased land and subsection (2) deals with the transfer and subletting of such land. It is intended that in future all transfers under the Act will be dealt with under section 225 and that allotments will be dealt with under subsection (1) of section 181. Clause 3 accordingly repeals subsections (1) and (3) of section 181 and amends subsection (1) of that section so as to provide that no agreement shall be made under Part X with any person who is already the holder of repurchased land of the unimproved value of which exceeds that amount. The exception contained in that subsection, relating to the conditions under which land of an unimproved value exceeding £7,000 may be allotted, is retained.

Section 204 of the principal Act enables the Minister in certain cases (notwithstanding section 181 (2) which is being repealed by clause 3) to consent to the transfer of an agreement under Part X or the corresponding provisions of the earlier Crown Lands Acts, or to the subletting of land comprised in such an agreement in favour of any person who ,would thereby become the holder of any land whose unimproved value does not exceed £8 000. As I have said before, it is proposed that all transfers under the Act be dealt with in future under section 225 and, as the ceiling applicable to holdings is to be raised in section 225 to £12,000, section 204 will no longer apply. Clause 4 accordingly repeals it. Clause 5 makes a consequential amendment to section 204a arising out of the repeal of section 204.

Section 220 of the principal Act deals with the surrender of any lease in exchange for a perpetual lease or for an agreement other than for repurchased lands. Subsection (1) of that section prescribes the conditions under which such a surrender can be made. Paragraph 1 of the subsection applies where the lease surrendered is not a miscellaneous lease or a perpetual lease subject to revaluation. Here the total of the unimproved value of land to be included in the new lease or agreement and the unimproved value of all other lands held by the lessee or purchaser must not altogether exceed £7,000. Paragraph 1a of the subsection applies where the lease surrendered is a miscellaneous lease or a perpetual lease subject to revaluation. Here the total of the unimproved values of the land to be included in the agreement or lease and of all other lands held must not altogether exceed £5,000. As it is proposed to increase the limits of £7,000 and £5,000 in these two paragraphs to £12,000 the paragraphs could well be consolidated into one paragraph, and clause 6 provides accordingly. I should point out here that by virtue of section 212 (5) of the principal Act the increased limit of £12,000 would also apply to surrenders of Crown leases in exchange for the purchase of the fee simple of the lands comprised therein.

Section 225 of the principal Act deals with the transfer of leases and agreements and with the subletting of land occupied in any lease or agreement. Subsection (8) of that section provides that the provisions of that section other than subsections (1) and (6) do not apply to transfers of agreements or leases under Part X of the principal Act or under the corresponding provisions of the Crown Lands Acts of 1903 and 1915 or to the subletting of land comprised in any such agreement or lease, such transfers and sublettings being regulated by subsection (2) of section 181. It is proposed by this Bill that all such transfers and sublettings, however, should in future be regulated by section 225 and for that reason section 181 (2) is to be repealed by clause 3 (c). Subsection (8) will therefore no longer apply. This subsection is accordingly struck out by paragraph (c) of clause 7. Paragraph *(a)* of that clause makes a consequential amendment to section 225 (1) arising out of the repeal of subsection (8).

It is provided by subsection (1) of section 225 that no transfer or subletting under the Act shall have any effect without the Minister’s consent and the Land Board’s recommendation. Subsection (2) provides that no such recommendation or consent shall be given if the total unimproved value of the holdings of the proposed transferee or sublessee after the transfer or subletting will exceed £7,000. The subsection goes on to provide, however, that, if the proposed transferee or sublessee does not hold any land and is not entitled to any land under a transfer or sublease to which the Minister has given his consent, the board may recommend, and the Minister may give his consent to, the transfer or subletting although the unimproved value of the land to be transferred or sublet exceeds £7,000. It is proposed to increase the limits of £7,000 prescribed by this subsection to £12,000. This result is achieved by clause 7 (6) which substitutes for that subsection two new subsections in simpler form, incorporating the necessary consequential amendments.

The Government has received numerous requests for the review of these limitations imposed by the principal Act. These requests have been carefully considered in the light of present-day values and the Government feels that the measure provides a fair and equitable revision of those limitations which should be acceptable to all concerned. I commend the Bill for the favourable consideration of members.

Mr. LOVEDAY secured the adjournment of the debate