

TASMANIA

THE CLOSER SETTLEMENT ACT, 1929.

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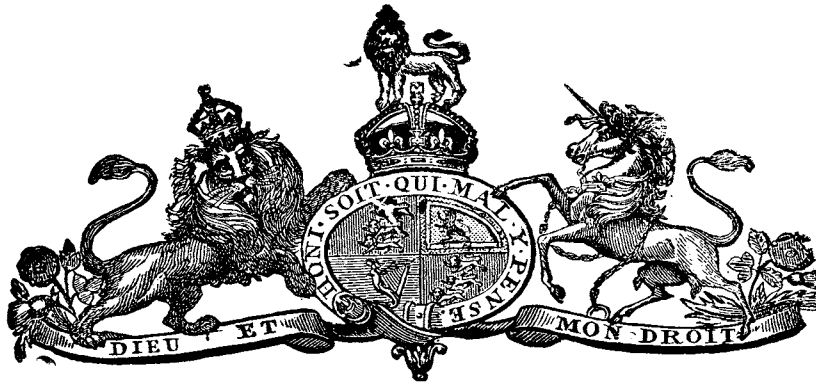
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1929.

ANNO VICESIMO

GEORGII V. REGIS.

No. 77.

AN ACT to consolidate and amend the Law relating to Closer Settlement and Soldier Settlement, and to provide for the Acquisition and Reservation of Lands for the purposes thereof. [18 January, 1930.]

A.D.
1929.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PART I.

PRELIMINARY.

- 1 This Act may be cited as "The Closer Settlement Act, 1929." Short title.
- 2 The Acts set forth in the schedule hereto are hereby repealed. Repeal.
- 3 In this Act, unless a contrary intention appears— Interpretation.
"Board" means the Closer Settlement Board constituted under this Act :

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- “ Lessee ” includes specifically the holder of the lease issued in respect of the land in relation to which the term is used ; and generally any person who for the time being is the holder of any lease under this Act :
- “ Part ” used with reference to a legislative enactment means such one of the parts into which this Act is divided as is indicated by the context :
- “ Section ” means such one of the sections of this Act as is indicated by the context :
- “ Soldier ” means any person who—
- i. Enlisted in any expeditionary force raised in the Commonwealth for the purposes of the war 1914-1918, or was a member of the Army Medical Corps Nursing Service during such war, or a munition worker or engaged in any other naval or military preparations under the control of the Commonwealth or under arrangement between the Commonwealth and Imperial Governments : and
 - ii. Was employed in any such service beyond the limits of the Commonwealth : and
 - iii. Has been honourably discharged from such service : and
 - iv. Has returned to, or settled in, this State : and
 - v. On or before the thirty-first day of March, one thousand nine hundred and twenty-two, made application as provided by the Returned Soldiers Settlement Act, 1916, for assistance under that Act :
- “ State rate ” used in relation to interest means the average rate, as certified by the Under-Treasurer at the relevant time, payable by the Treasurer in respect of moneys borrowed by or on behalf of the State :
- “ Unimproved value,” in relation to a particular piece of land, means the price which such piece of land, if there were no improvements thereon, might be reasonably expected to realise if offered for sale in good faith and on reasonable terms and conditions.

PART II.

THE CLOSER SETTLEMENT BOARD.

Constitution and
appointment of
Board and
Secretary.

4—(1) There shall be constituted for the purposes of this Act a Board to be called “ The Closer Settlement Board ” consisting of not more than four nor less than three members.

(2) The members of the Board shall be appointed by the Governor and one of such members shall be appointed as President of the Board.

(3) The Governor from time to time may remove from office the President or any member of the Board and appoint some other person in his place.

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(4) The Governor from time to time may appoint any person to fill any vacancy arising on the Board from any cause, and, in the event of the illness, absence, or incapacity of any member thereof at any time, may appoint some person during such illness, absence, or incapacity to perform the duties of such member. A.D. 1929.

(5) Any officer of the Public Service shall be eligible for appointment as a member of the Board, and may hold such office in conjunction with his office as such officer.

(6) The members of the Board shall not be subject, as such members, to the provisions of the Public Service Act, 1923.

13 Geo.V. No. 25.

(7) There shall be paid to the several members of the Board for their services as such members annual salary at such rate as the Governor from time to time may determine, and all such salaries and all travelling allowances payable to such members shall be paid out of, and charged against, the Closer Settlement Act Account and the Closer Settlement Act (Soldiers) Account in such proportions as the Minister from time to time may determine.

(8) The person holding office for the time being as Secretary to the Board under the Closer Settlement Act, 1913, when this Act comes into force shall continue, subject to the provisions of the Public Service Act, 1923, to hold the like office under this Act, and upon the said office becoming vacant the Governor may appoint some person under the said provisions to fill the same.

13 Geo.V. No. 25.

5—(1) If the President is absent from any meeting of the Board, the members present shall elect one of their number to preside at such meeting. Provisions as to proceedings of Board.

(2) Any two members of the Board shall constitute a quorum, and may exercise all the powers and authority of the Board notwithstanding that there may be a vacancy on the Board.

(3) The Board (and also any person appointed by the Board for that purpose as provided by this Act), when holding any inquiry or investigation under this Act, shall have the same powers and authority therein as though the same were held by them (or him) under a commission from the Governor as provided by Division II. of Part II. of the Evidence Act, 1910, but no person shall be compelled, in any such inquiry or investigation, to answer any question tending to incriminate him. 1 Geo. V. No. 20.

(4) No member of the Board shall—

- I. Make any application to the Board under this Act : or
- II. Hear, or take any part in dealing with, any application to, or agreement or transaction with, the Board in or in relation to which he, or any partner or relative of his, has any interest—

and the granting of any application or making of any agreement or disposal of any land, in contravention of this provision, shall be void and of no effect except as against a person who is not a partner or relative of the offending member and who has purchased any such land in good faith for value without notice of such contravention as aforesaid.

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(5) Except where otherwise provided, the Board may regulate its own procedure.

(6) The Minister at any time at the request of the Board may make available to the Board for the purposes of this Act the services of any officer of any department under his control.

PART III.

RESERVATION AND ACQUISITION OF LAND FOR SETTLEMENT AND APPLICATION OF ACT TO LAND ALREADY ACQUIRED.

Governor may reserve lands.

6—(1) If the Minister on the recommendation of the Board reports to the Governor that, with respect to any district or locality, there is a demand for land for settlement and that there is available in such district or locality unselected Crown land suitable for that purpose, the Governor by proclamation may reserve any such Crown land for such purpose.

(2) When and so often as it is found that any Crown land, so reserved as aforesaid, or any part thereof, is not, and in the opinion of the Minister is not likely to be, required for the purposes of this Act, such proclamation may be revoked either wholly or so far as the same relates to any portion not so required, and thereupon the same, to the extent to which such revocation extends, shall cease to be subject to this Act.

Power to Minister to purchase land.

7—(1) The Minister, upon the recommendation of the Board, may purchase by private contract on behalf of His Majesty, at a price not exceeding the price recommended by the Board, any land in this State which the Board reports as suitable for the purposes of this Act.

(2) All such contracts shall be made by and in the name of the Minister and may be enforced by or against the Minister for the time being.

(3) Where any person offers to sell land to the Minister for the purposes of this Act, such offer shall remain open for not less than three months from the date thereof and may be accepted by the Minister at any time within that period.

Compulsory acquisition of land authorised in certain cases.

8—(1) Where the Board reports to the Minister that, in the opinion of the Board—

- i. There exists sufficient demand from suitable applicants for land for settlement to justify his so doing :
- ii. Sufficient land suitable for settlement is not otherwise available :
- iii. There is land suitable for settlement in one block or in two or more adjoining blocks in the same ownership and in the same occupation, the unimproved value of which exceeds Ten thousand Pounds : and

iv. Such land cannot be purchased by agreement—
it shall be lawful for the Minister to acquire such land or any part thereof compulsorily as hereinafter provided.

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(2) The foregoing provisions of this section shall not apply to any land vested in any person as an endowment for any charitable or public purpose. A.D. 1929.

(3) No land shall be acquired compulsorily under this Act unless or until an offer therefor has been made by or on behalf of the Minister to the owner thereof and the owner has failed or neglected to agree to accept such offer within a reasonable time.

9—(1) The provisions of the Lands Clauses Act, save in so far as the same are inconsistent with, or modified by, this Act, and excepting Sections Eight and Nine and Sections Fourteen to Thirty-seven, inclusive, thereof, shall apply to all acquisitions of land, whether by private contract or compulsorily, under and for the purposes of this Act, and the said provisions to the extent aforesaid are hereby incorporated with this Act. Application of
21 Vict. No. 11.

(2) For the purposes of the Lands Clauses Act the Minister shall be deemed to be the promoter of the undertaking, and the purposes and objects of this Act shall be deemed to be the undertaking.

10—(1) The Minister shall cause to be published in the Gazette and in a newspaper a notice of his intention to acquire compulsorily any land for the purposes of this Act. Notice of
intention to
acquire land
compulsorily.

(2) Every such notice (hereinafter called "the requisition") shall be in the prescribed form and shall contain full particulars of the land to be acquired and the name and address of the owner thereof, so far as the same are known to the Minister, and shall require all persons having any interest in such land to forward their claims for compensation in respect thereof to the Minister within a prescribed period to be specified in such notice.

(3) A copy of the requisition shall be served on the owner of the land, and such service may be effected personally or by post.

(4) A plan and description of the land to be acquired, showing the acreage thereof, shall be served with the requisition.

(5) If the owner does not reside within this State, a copy of the requisition shall be affixed in some conspicuous position on the land thereby affected, and the same when so affixed shall be deemed to have been served on such owner.

11—(1) Every person claiming to have any interest in the land affected by the requisition shall serve on the Minister his claim for compensation in respect thereof. Procedure by
claimant thereon.

(2) Every such claim shall be served on the Minister within—

- I. Thirty days, if the claimant resides in this State :
- II. Sixty days, if the claimant resides beyond this State but within the Commonwealth : or
- III. One hundred days, if the claimant resides beyond the Commonwealth—

after service as aforesaid of the requisition.

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(3) Every such claim shall state—

- i. The nature and extent of the claimant's interest in the land, with the full names and addresses of all other persons known to the claimant to have any interest therein, and the nature and extent of such interest in each case :
- ii. The nature and particulars of all liens, charges, and encumbrances affecting the land :
- iii. Whether or not the claimant intends to exercise his right, if any, to retain any, and if so what, portion of the land; with full particulars as to the acreage, position, description, and value of such portion ; or to require that the whole of the claimant's land shall be taken :
- iv. The amount of the claim ; with full particulars of the amount, if any, which is claimed in respect of severance or other indirect loss : and
- v. The full name of the claimant and an address within this State where notices may be served upon or left for him.

(4) Within fourteen days after the service as aforesaid of his claim, the claimant shall file a copy thereof in the office of the Registrar of the Supreme Court, together with a notice of the name and address of some person whom he appoints to act as his arbitrator ; and shall serve on the Minister a copy of such notice.

(5) Only one such claim as aforesaid shall be made for or on behalf of any number of persons whose interests in the land affected by the requisitions are identical, notwithstanding that any one of such persons may have a larger share or interest than any other of them.

Procedure by the
Minister.

12 Within fourteen days after the service on him of the notice mentioned in Section Eleven or, failing such notice, within twenty-eight days after service on him of the claim, the Minister shall cause to be filed in the office of the Registrar of the Supreme Court and served on the claimant a notice of the name and address of some person whom he appoints to act as arbitrator.

Determination of
claims and
procedure
thereon.

13—(1) All claims for compensation under this Act shall be heard and determined by a judge of the Supreme Court, sitting with the arbitrators appointed in each case as hereinbefore provided, or, in default of any such appointment in any case, with arbitrators as provided by this section.

(2) The tribunal constituted as aforesaid is hereinafter referred to as "the Court."

(3) If either party to any such claim fails to comply with any of the foregoing provisions to which he is subject, the judge, upon the application of either party, may make such order as he may think necessary to enable the claim to be heard and determined.

(4) Any such order may include the appointment of some person as arbitrator for either party and may be made upon such terms as to costs or otherwise as the judge may think fit.

(5) A copy of every such order shall be served on such persons and in such manner as the judge may direct,

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14—(1) If in any case no claim is served on him as hereinbefore provided, the Minister shall file in the office of the Registrar of the Supreme Court a copy of the requisition with an endorsement that no claim has been served as provided by this Act, together with a notice as provided by Section Twelve.

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Procedure where claim not made.

(2) Such documents shall be filed as aforesaid within twenty-eight days after the expiration of the time prescribed for service of the claim, and the Minister, within seven days after the same have been filed, shall apply to the judge for an order as provided by Section Thirteen.

15—(1) Upon the hearing of a claim for compensation, if the claimant claims to exercise his right to retain portion of the land and the parties cannot agree as to the area to be retained and the value thereof, the Court shall determine in the first place the acreage, position, and value of the portion to which the claimant is entitled and shall proceed to assess the compensation in respect of the remainder.

Hearing and determination of claims.

(2) Subject to the provisions of Subsection (1) hereof, the Court shall assess the compensation payable in respect of the land to be acquired and shall determine the persons, if more than one, to whom or for whose benefit the same shall be payable.

(3) Every such assessment shall be based upon the value of the land at the date on which the requisition was published in the Gazette, such value being calculated as the sum which the fee simple of the land might be expected to realise if offered for sale in open market upon such reasonable terms as a person selling in good faith might be expected to require.

(4) The decision of the judge and one or both of the arbitrators shall be the decision of the Court and shall be final and conclusive and binding on all the parties except as provided by Subsection (8) hereof.

(5) Every such decision shall be embodied in an order of the Court and shall be signed by the judge and one or both of the arbitrators, as the case may be, and every such order shall have the effect of an order of the Supreme Court.

(6) The Court by such order may determine all such matters and things and give such directions as may be necessary for adjusting and safe-guarding the rights of all persons concerned or interested in the proceedings.

(7) The costs of and incidental to every claim for compensation shall be determined by the Court in such manner as the Court may have ordered and shall be paid by either or both of the parties as the Court may direct.

(8) At any time within forty-two days after the making of any such order as aforesaid, the Court, upon the application of either of the parties, may make such further order for the purpose of remedying any defect or omission in the original order, or for giving fuller effect thereto, as the circumstances may require.

16—(1) The Minister at any stage of the proceedings on a claim for compensation may discontinue the proceedings and relinquish the land thereby affected, subject to the provisions hereinafter contained.

Discontinuance by Minister.

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(2) The Minister shall give notice forthwith to the Court, if then sitting, or the Registrar of the Supreme Court otherwise, and also to the claimant, of his intention to discontinue, and shall publish in the Gazette within eight days thereafter a notice that the requisition has been cancelled and the proceedings thereon discontinued.

(3) The Minister shall pay to the claimants all proper and reasonable costs and expenses incurred by them up to the date upon which notice of discontinuance was served upon them, including therein any loss directly due to, and expense reasonably incurred by reason of, the requisition or the proceedings thereon.

(4) The amount of such costs and expenses may be determined by a judge or as he may direct.

Procedure on order and vesting of land.

17—(1) Within one month after the order assessing the compensation is made, the Governor by proclamation shall declare the land in respect whereof the same is made to have been acquired compulsorily under this Act, unless the requisition has been cancelled as hereinbefore provided.

(2) Upon the publication in the Gazette of the proclamation mentioned in this section, the land therein described shall vest in His Majesty, absolutely freed and discharged from all claims, encumbrances, liens, and interests whatsoever.

Rights of owners in relation to land to be acquired.

18—(1) The owner of any land in respect of which a requisition under this Act is made shall have the right to elect—

- i. If the requisition is in respect of a portion only of the property owned by him as one estate, to require that the whole of such property shall be taken :
 - ii. To retain out of the property to be taken a block of land, the unimproved value of which does not exceed Four thousand Pounds : and
 - iii. To remain in possession of the land acquired for any period not exceeding twelve months after the same becomes vested in His Majesty—
- subject to compliance in all respects with the conditions hereinafter set forth.

(2) Notice of intention to exercise the rights conferred by Sub-section (1) hereof must be given—

- i. In the cases mentioned in Paragraphs i. and ii. thereof, in the claim prescribed by Section Eleven, and within the time limited for service thereof : and
- ii. In the case mentioned in Paragraph iii. thereof, before the land becomes vested in His Majesty.

(3) Where the owner elects to retain portion of the property he shall select such portion in accordance with the following requirements—

- i. Where practicable the block to be retained shall be, as nearly as the circumstances permit, in the form of a square, except where the block has a frontage on any road, river, or lake, or upon the sea, when such frontage shall not exceed one-half the depth of the block :

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- ii. If the block has more than one such frontage the Board may determine which is the more important, and the provisions of Paragraph i. hereof shall be applied as the Board may direct : and
- iii. The block to be retained shall not be so situated as to affect prejudicially the subdivision of the remainder of the property—

and, if any dispute arises upon any of the matters aforesaid, the same shall be determined by the Court as hereinbefore provided.

(4) Where the owner elects, as provided by Subsection (1) hereof, to retain possession of the property acquired, he shall during, and in respect of, the period of such detention—

- i. Keep in repair, at his own expense, all buildings, fences, and erections thereon :
- ii. Insure, and keep insured, all buildings and erections of an insurable nature in the name of the Minister in such sum and with such insurance office as the Minister may approve :
- iii. Pay all rates and taxes, including land taxes, due or accruing due in respect thereof up to the day on which he gives up possession to the Minister :
- iv. Not be entitled, except with the consent in writing of the Minister—
 - (a) To assign, sublet, or part with the possession of the property or any part thereof ; or
 - (b) To break up any pasture land or land which is laid down in grass :
- v. Permit the Minister, his agents, servants, and workmen at any time to have free and unconditional right of ingress, egress, and regress in, through, over, along, and upon the said land and every part thereof for the purposes of surveying, inspecting, cleaning, draining, fencing, subdividing and constructing roadways therein and thereon, but the Minister shall effect such purposes in all cases without causing unnecessary or unreasonable damage—

and, if such owner at any time shall fail to make any payment required by this section to be made by him, the Minister may make the same on his behalf and deduct the amount of all payments so made from the compensation moneys payable to such owner.

19—(1) Compensation shall be payable on the day upon which effective possession of the land acquired is given to the Minister.

(2) If from any cause, not due to any neglect or default of the person entitled thereto, payment of compensation is delayed for any period exceeding one week after the same becomes payable as aforesaid, the Minister shall pay interest on the amount so unpaid from the date on which the same became payable up to the date of payment at the rate of Six Pounds per centum per annum.

Payment of
compensation.

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Expiry of
requisition in
certain cases.

20 Where any requisition is made under this Act in respect of any land and the acquisition of such land is not completed within six months after the date on which such requisition was published in the Gazette, the requisition shall expire and cease to be of any effect unless proceedings for the determination of compensation are then pending, in which case the Court may extend the operation of this requisition for such period as the Court may think necessary.

Lands subject
to the Act.

21 All land reserved or acquired as provided by this Part and all land—

4 Geo.V. No. 39.

- i. Acquired and held by the Minister under or for the purposes of—
 - (a) The Closer Settlement Act, 1913 : or
 - (b) The Returned Soldiers Settlement Act, 1916 : or
 - ii. Sold under the provisions of either of the Acts above mentioned, and which has since reverted to the Crown—
- shall be subject to this Act until such reservation is revoked or such land is sold, as the case may be.

PART IV.

PROVISION FOR DETERMINING SUITABLE LANDS : AND
FOR SUBDIVISION.Power to Minister
to authorise
inspection of
properties.

22 Where the Minister on the recommendation of the Board is of opinion that any land is suitable for the purposes of this Act and that there is a probability of sufficient demand for leases thereunder, he may authorise some competent person to inspect and report on such land.

Powers and duties
of inspectors.

23—(1) Any person so authorised, upon production, if required, of his authority, may enter upon and inspect such land and every part thereof at all reasonable times during daylight, and may take with him such assistants as he may think necessary

(2) Every such person shall report to the Board—

- i. Whether in his opinion the whole or any part of such land is suitable for the purposes of this Act :
- ii. The area, if any, which he considers so suitable :
- iii. The particular purposes for which such area, in his opinion, is adapted :
- iv. The value of such area : and
- v. Such other particulars as the Board may require.

Personal inspection
by Board.

24—(1) In any case where in the opinion of the Board it is necessary or desirable so to do, the Board, or any member thereof deputed by the Board, may make a personal inspection of any such land as aforesaid.

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(2) For the purpose of this section the Board and every member thereof shall have all the powers of an inspector appointed by the Minister as hereinbefore provided. A.D. 1929

25—(1) Whenever in the opinion of the Board it is necessary or desirable so to do, the Minister shall cause any area of land which has been reserved or acquired for the purposes of this Act to be prepared and subdivided into suitable blocks, not exceeding in any case the prescribed value, and for that purpose the Minister may cause such—

Preparation and subdivision of lands for settlement.

- i. Surveys to be effected :
- ii. Roads to be laid out and constructed :
- iii. Fences to be erected and boundary lines marked : and
- iv. Clearing and draining to be carried out—

in relation to the land as the Board may recommend.

(2) In making any such subdivision the Minister may reserve any portion of the land, not exceeding an area of one hundred acres, as a site for a township, and may sell any surplus land which is unsuitable for, or cannot conveniently be included in, such subdivision.

PART V.

DISPOSAL OF LAND SUBJECT TO THE ACT.

26—(1) The Minister, on the recommendation of the Board, from time to time may dispose of any land which is subject to this Act by way of sale or lease in accordance with, and subject to, the provisions hereinafter contained. Power to Minister to dispose of lands subject to this Act.

(2) Except as otherwise expressly provided, no such land shall be sold or leased to any person who is not eligible to hold land under this Act.

27—(1) Except where otherwise expressly provided, no person shall be eligible to purchase, or to obtain or hold a lease of, any land which is subject to this Act if he is under the age of eighteen years, or if— Qualification of persons to hold land under this Act.

- i. He holds in his own right :
- ii. His wife holds in her own right : or
- iii. He and his wife jointly hold in their own right, or in the right of either—

land, not being land within the boundaries of any city or town, and used for purposes of business or residence only, which with the land to be leased or purchased under this Act would make the aggregate unimproved value of the land held by such person, or by such person and his wife, exceed Three thousand Pounds, and for the purposes of this section the restriction imposed in relation to a wife shall extend equally to the husband of any such person.

(2) No lease shall be granted or transferred under this Act to any person who, or whose wife, or husband, is the holder of a lease in

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respect of any other land under this Act unless the Minister is satisfied that such other land is insufficient to provide an adequate living for such person and his family

(3) For the purposes of this section—

- I. If a person holds land jointly with another he shall be regarded as the holder of such proportion of the land so held as represents his personal interest therein unless such other is the wife or husband, as the case may be, of such person :
- II. The holder of a lease, of which not less than three years are unexpired, shall be regarded as the holder of the land comprised therein : and
- III. Interests in land held merely as a member of a registered company, not being a proprietary company, shall not be included—

in the calculation of the value of the land held by any such person.

(4) Where the interest of a lessee in land subject to this Act devolves upon any person by operation of law, the same may be held by such person although he is not a person eligible to obtain a lease under this Act.

When and how
land may be sold.

28—(1) Land which is subject to this Act may be sold as hereinbefore provided—

- I. Where the Minister is satisfied that the land is required and is intended to be used as a site for—
 - (a) The erection of a church or a public hall and such land does not exceed one acre : or
 - (b) The erection and carrying on of a dairy factory, fruit preserving factory, cool store, mill, or creamery, and such land does not exceed five acres—

at such price as the Board may recommend, not being less than the total cost of such land, including all expenses incurred in relation to the acquisition thereof under this Act :
- II. Where it is found that the land is no longer required for the purposes of this Act :
- III. To the lessee thereof in accordance with, and subject to, the provisions hereinafter contained : and
- IV. In any special case where the Governor, on the recommendation of the Minister, is satisfied that the circumstances are such that it will be more advantageous to dispose of land by way of sale than to grant a lease thereof to the applicant therefor, the same may be sold to such applicant forthwith.

(2) Where the Minister is empowered to sell any land under this Act to any person other than the lessee thereof, he may sell the same, or any part thereof, by public auction or private contract as in each case he may think best.

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(3) The Minister may sell any land reserved for township purposes in the manner and under the conditions provided by the Crown Lands Act, 1911, for the sale of town lands, but all purchase moneys and interest received in respect thereof shall be applied as provided by this Act. A.D. 1929.
2 Geo. V. No. 64.

(4) Where land is sold as provided by Paragraph i. or Paragraph ii. of Subsection (1) hereof or under the provisions of Section Twenty-five, the same may be sold to, and purchased by, any person, whether such person would be eligible to obtain a lease thereof under this Act or not.

29—(1) Where land is available for lease under this Act and no applications or insufficient applications for leases thereof have been received, the Minister shall cause to be published in the Gazette and in such newspapers as he may think sufficient a notice stating that the same is so available and inviting applications from persons eligible to obtain leases thereof. Disposal of land
on lease.

(2) Every such notice shall specify the area and position of such land and such other particulars relating thereto as may be prescribed.

30—(1) Applications for leases under this Act may be made as hereinafter provided by persons eligible to obtain the same. Applications
for leases.

(2) Every such application shall be in the prescribed form and shall contain the prescribed particulars and shall be lodged with the Board.

(3) Where land has been subdivided into blocks an application may be for a particular block, or for any one of several blocks, or for any of the blocks advertised without specifying any particular block.

(4) The applicant shall lodge with his application a sum equal to six months' rent in respect of the block for which he applies or, if his application is alternative, in respect of the block the rent of which is the highest, and a sum of One Guinea for cost of lease.

(5) The amounts so lodged as aforesaid, or any part thereof not required for such purpose as aforesaid, shall be returned to the applicant, if no lease is granted to him, or if the rent paid is more than is required, as the case may be.

31—(1) Upon receipt of the applications the Board may make such inquiries and require such information as the Board may think necessary to determine whether, in the opinion of the Board, the applicant complies with the requirements of this Act and is a suitable person to hold a lease thereunder, and for that purpose may hold an inquiry, or may appoint some person so to do, concerning any such matters as aforesaid. Procedure
concerning
applications.

(2) The Board may reject any application if—

- i. The applicant fails to satisfy the board on any matter material to his application: or
- ii. In the opinion of the Board the applicant is not qualified, or has not sufficient resources, to comply with conditions of a lease under this Act and to work and farm the land successfully.

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(3) Where the number of applicants exceeds the number of blocks to be leased, or where several applicants apply for the same block, the allocation of the blocks among the applicants shall be effected in default of amicable arrangement by ballot at such time, in such manner, and subject to such conditions as may be prescribed.

(4) In determining the allocation of any block for which there is competition, the application of a person who, or whose wife or husband, as the case may be, holds rural land, upon whatever tenure, sufficient in the opinion of the Board to provide for the maintenance of such person and his family, shall not be granted if there is another applicant no so situated.

(5) If on the acquisition of any land under this Act any person is occupying the same or any part thereof, in good faith, as tenant thereof, and such person desires to remain thereon, the Minister may permit such person to select and obtain a lease of a block of such land in priority to any other person.

Allocation by arrangement.

32—(1) Where any two or more intending applicants for leases under this Act have agreed with the owner of any land for the surrender of such land, or any part thereof, by the owner, for the purposes of this Act, the Minister, on the recommendation of the Board, may acquire the land so to be surrendered and may grant leases thereof under this Act.

(2) Where such intending applicants make application under this section, the land acquired may be subdivided and allocated among the several applicants in accordance with a scheme submitted by them and approved by the Board; or, failing any such scheme, as the Board may determine.

(3) All applications under this section shall be in such form and subject to such conditions as may be prescribed.

(4) In considering any application under this section due regard shall be had to the question whether the land, if any, to be retained by such owner as aforesaid is, in the opinion of the Board, sufficient to provide an adequate living for such owner and his family.

Term of lease and conditions to which it is subject.

33—(1) Except where otherwise expressly provided, every lease granted under this Act shall be for a term of ninety-nine years.

(2) Every lease so granted shall contain the following covenants by the lessee and be subject during its currency to the following conditions respectively:—

- i. A covenant to expend in each of the first ten years of the term thereby granted such sum as the Board may determine for every One hundred Pounds of the capital value, as determined by the Board, of the land thereby demised in effecting permanent and substantial improvements thereon to the satisfaction of the Board, but any excess above such sum so expended in any one of such years shall be credited in or towards compliance with this covenant in respect of any subsequent year or years :

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- ii. A covenant that the lessee, or the wife or husband of the lessee, as the case may be, or a child of the lessee who is of or over the age of eighteen years, shall and will reside for not less than eight months in each year on the land thereby demised for a period of eight years commencing within two years from the date of the lease, or, if the Board in any special case shall so permit, within four years from such date: A.D. 1929.
- iii. A covenant that the lessee shall not nor will at any time assign, sublet, or part with the possession of the premises thereby demised or any part thereof without the consent in writing of the Minister first had and obtained:
- iv. A condition for forfeiture thereof on default being made by the lessee in the payment of—
- (a) The rent thereby reserved; or
 - (b) Any moneys payable by the lessee in respect of—
 - i. Buildings on the demised land; or
 - ii. Advances made to him under this Act—
 or any part of the same respectively for any period exceeding one month after the same becomes due:
- v. A condition for forfeiture for the breach or non-observance by the lessee of any covenant or condition therein contained and on his part to be performed or observed:
- vi. Such other covenants and conditions as may be prescribed: and
- vii. Any special covenants or conditions which the Minister in any particular case may think necessary.
- (3) Nothing in this section shall be construed so as to affect any lease granted before the commencement of this Act.

34—(1) Except as hereinafter provided in special cases the rent Rentals. payable in respect of any lease granted under this Act shall be determined in each case by the Minister on the recommendation of the Board and shall represent a percentage on the capital value of the land comprised in the lease which shall not exceed by more than One Pound per centum the State rate of interest at the time of such determination.

(2) Such capital value as aforesaid shall be determined by the Minister in each case, and shall include the unimproved value of the block if Crown land, or cost of acquisition if otherwise, together in each case with a fair aliquot proportion of—

- i. The cost of survey and subdivision:
- ii. The cost of all roads formed or constructed for the purpose of facilitating the subdivision: and
- iii. The cost of the fencing, draining, clearing, and improving— of the land of which such block forms part, and together also with a proportionate part of the value of any of such land absorbed by roads or reserved for township purposes, and of the estimated cost of the administration of the whole of such land during the currency of the lease; but shall not include the value of any buildings on such land.

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(3) All such rents shall be reviewed at the expiration of each period of seven years from the commencement of the lease or from the last review, as the case may be, and shall then be redetermined in manner hereinbefore provided.

(4) The provisions of this section shall not apply to any lease granted for any term less than twenty-one years, nor to any lease granted before the commencement of this Act.

Buildings on land to be leased.

35—(1) Where any buildings are upon the land which it is proposed to lease under this Act, the Board shall cause all such buildings to be valued apart from the land.

(2) The lessee shall pay the value of all such buildings as ascertained by the Board, together with interest thereon as hereinafter provided, by equal half-yearly instalments in advance extending over such period, not more than twenty years, as the Minister on the recommendation of the Board in each case may determine.

(3) Such interest as aforesaid shall be at such rate, not exceeding the State rate of interest at the time of such determination by more than One Pound per centum, as the Minister in each case may determine.

(4) All such instalments as aforesaid shall be paid at such times and in such manner as may be prescribed, but the Minister, on the recommendation of the Board, may postpone the commencement of the period over which the same are payable until any time not later than the expiration of the second year from the commencement of the lease.

(5) Where any such postponement as aforesaid is granted the lessee during the period thereof shall pay interest at the rate and in manner aforesaid on the value of such buildings.

(6) All amounts owing by the lessee in respect of any such buildings shall be a charge upon the interest of the lessee in the land comprised in the lease.

Right of lessee to purchase.

36—(1) Every holder of a lease granted as provided by Section Thirty-three shall have the right to purchase the land therein comprised as hereinafter provided.

(2) Such right as aforesaid shall not accrue until the lease has been in force for ten years, and shall cease on the expiration of the ninety-eighth year of the term thereby granted unless the holder thereof, before such expiration, has done all things necessary on his part to exercise such right.

(3) Such right shall not be exercisable by any person unless he—

- i. Is a person qualified as provided by Section Twenty-seven to purchase land under this Act : and
- ii. Has complied in every respect with the requirements of this Act and of his lease up to the time when he seeks to exercise such right, and has paid to the Board all moneys due and payable by him up to that time in respect of all matters relating to such land.

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(4) Upon or before the completion of any such purchase as aforesaid the lessee shall pay to the Board the full purchase price of the land purchased and all moneys, if any, which have become due from the time mentioned in Subsection (3) hereof up to the date of completion, including a proportionate payment of rent up to that date and all costs of and incidental to such completion and the issue of a grant deed thereon. A.D. 1929.

(5) The lessee shall satisfy the Board upon completion of his purchase that he has complied with all the requirements of this Act and of his lease up to the date of such completion.

37—(1) Upon every such purchase as aforesaid the price payable for the land so purchased shall be determined by the Board. Purchase price.

(2) Such price shall be not less than the capital value of such land, as determined by the Board at the time the rent payable under the lease was determined, or was last determined, as the case may be, and shall not exceed that value by more than Five Pounds per centum thereof.

38—(1) The Minister, on the recommendation of the Board, at any time may consent to the surrender of any lease granted under this Act upon such terms and conditions as he may think fit. Surrender of lease.

(2) Upon any such surrender the Minister may grant to the lessee, or to any other eligible person, a new lease of the land comprised in the surrendered lease, or of any part thereof, and either alone or in conjunction with other land, on such terms and conditions as he may think fit.

39 - (1) No lease granted under this Act shall be transferred or assigned to any person other than a person who is eligible to hold the same as provided by Section Twenty-seven. Transfer of lease.

(2) The lessee shall not sublet the land devised by his lease or any part thereof to any person who is not eligible as aforesaid.

(3) Subject to the provisions of this section, the Minister, on the recommendation of the Board, may consent to the transfer or assignment of a lease or to the subletting by the lessee of the land comprised in the lease or any part thereof, upon such conditions as the Minister may think necessary.

40—(1) Every lease granted under this Act shall be liable to forfeiture upon the breach by the lessee of any covenant or condition therein contained and on his part to be performed or observed. Forfeiture.

(2) In the case of the covenant for payment of rent or of moneys payable by the lessee in respect of buildings or advances, such liability shall attach when any such moneys or any part thereof is in arrear and unpaid for one month after the date on which same became due, but the forfeiture shall not be enforced until the expiration of six months after that date.

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(3) If within such six months the lessee shall pay the amount so in arrear with interest thereon at the rate of Six Pounds per centum per annum from the due date until payment, the forfeiture in respect thereof shall be waived.

(4) Every such forfeiture may be enforced by a notification under the hand of the Minister, published in the Gazette, declaring the lease therein specified to be forfeited as from a date specified in such notice.

(5) Forfeiture of his lease shall not operate in any case to extinguish any indebtedness of the lessee thereunder.

Leases for short terms in certain cases.

41—(1) Where land under this Act is unsuitable for subdivision, or for leasing under the foregoing provisions of this Act, or where there is no immediate likelihood of so disposing of any such land, the Minister may lease the same for short terms as hereinafter provided.

(2) Any such lease may be granted to any person and for such term, not exceeding ten years, and upon such terms and conditions as the Minister, on the recommendation of the Board, in each case may determine.

(3) The rent payable in respect of any such lease shall be determined by the Minister on the recommendation of the Board.

Powers of Minister where land not taken up.

42—(1) In any case where he thinks it expedient so to do, the Minister, on the recommendation of the Board, may offer any block of land under this Act for public tender and may lease the same upon such terms and conditions as he may think fit.

(2) Where a notice has been published in the Gazette as hereinbefore provided, inviting applications for leases, and within one month thereafter suitable applications have not been received for any one or more of the blocks so advertised, any blocks for which no suitable applications have been received may be advertised as aforesaid again at any time thereafter.

(3) Any such fresh advertisement may invite applications at such reduced rents and upon such altered conditions as the Minister, on the recommendation of the Board, may think desirable.

(4) Where land under this Act remains vacant for the time being or there is any delay in leasing the same, the Minister may cause all such operations to be carried on thereon, and such things to be done in relation thereto, as he may think desirable in the circumstances for the purpose of keeping the same in a fit state for disposal or of increasing or maintaining the value thereof.

Special powers in relation to leased land.

43—(1) The Minister, on the recommendation of the Board, may—

- i. Permit any person upon whom a lease under this Act has devolved by operation of law to continue to hold such lease although such person is not eligible under the provisions of Section Twenty-Seven to hold the same :
- ii. With the consent of the lessee at any time, sell to any person any portion of the land comprised in a lease which such lessee does not require : or

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- iii. Consent to the assignment or transfer of a lease to any person whom the Minister considers suitable and who is eligible to hold such lease. A.D. 1929.

(2) Upon any sale as provided by Paragraph ii. of Subsection (1) hereof, the amount of purchase money shall be deducted from the capital value of the land demised and the lessee's rent adjusted accordingly as from the completion of such purchase.

44—(1) Except as otherwise provided, all leases granted under the Closer Settlement Act, 1913, or under any Act thereby repealed shall be subject in every respect to the provisions of this Act in the same manner and to the same extent as if the same had been granted hereunder. Application of Act to existing leases. 4 Geo. V. No. 39.

(2) Subject to the provisions of Part VII., all leases granted under the Returned Soldiers Settlement Act, 1916, shall be subject in like manner as aforesaid to the provisions of this Act. 7 Geo. V. No. 20.

PART VI.

ASSISTANCE TO SETTLERS.

45—(1) The Minister, on the recommendation of the Board, may from time to time make advances by way of loan to any lessee under this Act for all or any of the following purposes, namely— Power to Minister to make advances to lessees.

- i. Building :
- ii. Fencing :
- iii. Draining :
- iv. Effecting any other improvements of a substantial and permanent nature which the Board may approve :
- v. Purchasing seeds or manure :
- vi. Purchasing equipment of a substantial and lasting nature, or livestock of any kind—

upon or in relation to the land comprised in the lease.

- (2) The amount of any such advance in any case shall not exceed—
- i. In the case of fencing, the cost of the material used therein :
 - ii. In the case of permanent improvements, four-fifths of the value thereof when effected, as determined by the Board : or
 - iii. In any other case, the cost or value of the object for which the advance is made, if the lessee is a soldier, or four-fifths of such cost or value, if otherwise.

(3) Every such advance shall be repayable by the lessee by half-yearly instalments as may be prescribed, either generally or in respect of particular classes of cases, and such repayments shall extend over such periods not exceeding—

- i. In the case of seeds or manures, two :
- ii. In the case of stock or equipment, three :

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III. In the case of fencing, ten : or

IV. In the case of permanent improvements, twenty—
years as the Minister in each case may determine, but the Minister, on the recommendation of the Board, may extend any such period if at the end thereof the lessee has failed through causes beyond his control, to complete his payments.

(4) Interest shall be payable by the lessee half-yearly as prescribed in respect of every such advance calculated upon the amount thereof due at the beginning of the half-year in respect of which the payment is made.

(5) The rate of such interest shall be determined by the Minister from time to time as may be prescribed and shall not exceed by more than One Pound per centum the State rate of interest at the time of such determination.

(6) All moneys owing by the lessee in respect of any such advance and all interest due and accruing due thereon shall be a charge on the interest of the lessee in the land comprised in his lease.

(7) The repayment of every such advance with interest as aforesaid shall be secured in such manner as may be prescribed according to the nature and purpose of the advance.

(8) Except in such cases, and with such approval, as may be prescribed, if any asset or chattel, for the purchase of which an advance has been made, is sold by the lessee, such advance shall be repayable forthwith with interest up to the date of such repayment.

(9) In all other respects such advances shall be made upon, and subject to, such terms and conditions as may be prescribed according to the nature and object thereof respectively.

Advances to
purchasers.

46—(1) Where land is sold as provided by Paragraph IV. of Sub-section (1) of Section Twenty-eight, or in any other case where the Minister, on the recommendation of the Board, is satisfied that it is desirable so to do, the Minister may make advances as provided by Section Forty-five to purchasers of land under this Act.

(2) In respect of every such advance the provisions of Section Forty-five shall be construed as though the word "purchaser" were substituted, wherever required, for the word "lessee."

PART VII.

SPECIAL PROVISIONS IN RESPECT OF SOLDIERS.

Application of
Act to holders of
land under
7 Geo. V. No. 20

47—(1) Subject to the provisions of this Part and except as hereinafter provided, all the provisions of this Act, where applicable, shall apply to all land which, at the commencement of this Act, is held under lease, or under agreement for purchase, granted, or made under the provisions of the Returned Soldiers Settlement Act, 1916.

(2) All lands held as aforesaid, while so held, and all lands hereafter leased or sold as provided by this Part, while held thereunder, shall be subject to the provisions of this Part.

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(3) Where any such land as aforesaid reverts to the Crown or ceases to be held under this Part, the same may be leased or sold under the general provisions of this Act or under this Part as the Minister may think fit. A.D. 1929.

48—(1) Every person who at the commencement of this Act—

- i. Is the holder of a lease :
- ii. Is the purchaser on credit of land, the purchase of which he has not completed : or
- iii. Has received an advance, any part whereof is still owing by him—

Saving of
privileges under
repealed Act.

under the provisions of the Returned Soldiers Settlement Act, 1916, shall be entitled in respect of such lease, purchase, or advance, as the case may be, to the same conditions, rights, and privileges, as if this Act had not been passed.

(2) Where any such conditions, rights, or privileges, or any of them, respectively, were subject to any revocation, annulment, or modification by regulation under the said recited Act, or in the discretion of the Board or the Minister, the same shall be subject in like manner and to the like extent to revocation, annulment, or modification under this Act.

49 The Minister on the recommendation of the Board may make advances under this Act to a soldier—

Power to
Minister to make
advances to
soldiers.

- i. In any of the cases and for any of the purposes mentioned in Part VI :
- ii. In any case where land is sold under this Act to such soldier :
- iii. Where such soldier is the owner in fee simple of the land in relation to which the advance is to be made : and
- iv. Where such soldier is the purchaser on credit under the Crown Lands Act, 1911, of the land in relation to which the advance is to be made.

2 Geo. V. No. 64.

50—(1) The Minister, on the recommendation of the Board, at any time may sell land under this Part to a soldier upon such terms and subject to such conditions as may be prescribed for that purpose.

Special provisions
as to disposal of
land to soldiers.

(2) The provisions of Section Twenty-seven shall not apply in respect of any sale or lease under this Part.

(3) Land which is held under lease which has been granted under, or is subject to, this Part may be sold to the lessee thereof at any time during the currency of such lease.

(4) The Minister in any case in which he thinks fit may dispose as aforesaid of any such land without advertising the same or calling for applications therefor.

(5) No deposit shall be required with any application made under this Part.

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PART VIII.

FINANCIAL PROVISIONS.

Provision for
accounts.

51 For the purposes of this Act there shall be opened and kept in the books of the Treasury as from the first day of July, one thousand nine hundred and twenty-nine, the following accounts, called respectively—

- i. The Closer Settlement Act Loan Account :
- ii. The Closer Settlement Act Account :
- iii. The Closer Settlement Act (Soldiers') Loan Account : and
- iv. The Closer Settlement Act (Soldiers') Account.

Capital accounts.

52—(1) Upon such accounts being opened—

4 Geo. V. No. 39.

- i. All moneys raised or borrowed by the Treasurer under and for the purposes of the Closer Settlement Act, 1913, shall be transferred and credited to the Closer Settlement Act Loan Account : and

7 Geo. V. No. 20.

- ii. All moneys raised or borrowed by the Treasurer under and for the purposes of the Returned Soldiers Settlement Act, 1916, shall be transferred and credited to the Closer Settlement Act (Soldiers') Loan Account—

and thereupon the Closer Settlement Fund and the Returned Soldiers' Settlement Fund respectively constituted under the Acts hereinbefore mentioned shall be closed.

(2) All moneys, if any, hereafter raised or borrowed by the Treasurer under or for the purposes of this Act shall be credited to the Closer Settlement Act Loan Account or the Closer Settlement Act (Soldiers') Loan Account, according as the same are to be applied for the purposes of this Act generally or for the purposes of Part VII. respectively.

(3) All interest payable in respect of the moneys credited to the accounts mentioned in Subsection (1) hereof shall be charged to, and be paid by the Treasurer out of, the Consolidated Revenue.

Working
accounts.

4 Geo. V. No. 39.

7 Geo. V. No. 20.

53—(1) As from the opening of the accounts mentioned in Section Fifty-one there shall be debited to the Closer Settlement Act Account and the Closer Settlement Act (Soldiers') Account respectively the respective balances represented by the total amounts of loan moneys expended under and for the purposes of the Closer Settlement Act, 1913, and the Returned Soldiers Settlement Act, 1916, respectively, after deduction from such total amounts of the respective amounts credited or to be credited in respect thereof up to the date of such opening.

(2) From and after the date aforesaid all payments made under or for the purposes of Part VII. shall be debited to the Closer Settlement Act (Soldiers') Account, and all other payments under or for the purposes of this Act shall be debited to the Closer Settlement Act Account.

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(3) For the purposes of Subsection (2) hereof such proportion of the total costs, charges, and expenses of administering this Act during each financial year as the Minister at the close of the financial year shall determine shall be deemed to be payments under and for the purposes of Part VII. and shall be charged and debited to the Closer Settlement Act (Soldiers') Account. A.D. 1929.

(4) Interest shall be charged and shall be payable by the Minister to the Treasurer upon and in respect of the daily balance standing to the debit of the Closer Settlement Act Account and the Closer Settlement Act (Soldiers') Account respectively as herein provided.

(5) Such interest shall be at such rate and payable at such times as the Governor, from time to time, may determine, and all such interest shall be paid into and form part of the Consolidated Revenue.

(6) All moneys received by the Minister under this Act, whether by way of rent, interest, payment for buildings, repayment of advances, or otherwise, shall be paid and credited to—

- i. The Closer Settlement Act (Soldiers') Account, where the same is payable under Part VII: and
- ii. The Closer Settlement Act Account in any other case.

54 All obligations and liabilities of the Closer Settlement Board in relation to— Outstanding obligations and liabilities.

- i. The Closer Settlement Act, 1913: and
- ii. The Returned Soldiers Settlement Act, 1916—

respectively, outstanding or accruing at the commencement of this Act, shall be taken over, discharged, and paid, whenever payable, by the Minister, and all payments made in respect thereof shall be charged and debited to the Closer Settlement Act Account, if made under Paragraph i., or to the Closer Settlement Act (Soldiers') Account if made under Paragraph ii. hereof respectively.

55—(1) Where any Crown land becomes subject to this Act, every allotment into which the same is subdivided shall be valued at such sum as the Board may determine and the Minister may approve. Crown lands subject to the Act.

(2) The sum so determined shall be recorded in books of the Department of Lands and Surveys as a debit against the Minister.

(3) While any allotment of such land is leased under this Act, the Minister shall pay to the Treasurer to the credit of the said Department, at the times provided in the lease for payments of rent thereunder, interest at the rate of Four Pounds per centum per annum on the value of such allotment.

(4) Upon the sale of any such allotment the Minister shall pay to the Treasurer in manner aforesaid the value of such allotment determined as aforesaid.

(5) Where any such lease or sale comprises a portion only of any allotment so valued, the Minister shall determine upon what proportion of the value of such allotment the interest or purchase payment under this section shall be based.

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(6) There shall be credited to the Minister against any debits made under Subsection (2) hereof or under any corresponding provision of any Act hereby repealed in the books of the said Department from time to time as occasion requires—

i. The amount of every payment made by the Minister—

(a) Under Subsection (4) hereof ; or

(b) Under Paragraph iv. of Section Sixty of the Closer Settlement Act, 1913 : and

ii. The value of all land, debited as aforesaid, which ceases to be subject to this Act otherwise than by sale thereof.

Value of lands transferred from Part VII.

56—(1) Where any land subject to Part VII. is leased or sold under the general provisions of this Act as provided by Subsection (3) of Section Forty-seven, the value thereof shall be determined by the Board and approved by the Minister at the time of such lease or sale.

(2) The amount of such value as aforesaid shall be credited to the Closer Settlement Act (Soldiers') Account and debited to the Closer Settlement Act Account.

Adjustment of accounts.

57 The Treasurer from time to time may cause such transfers and entries to be made in the books of the Treasury as he may consider necessary or desirable for giving effect to the provisions of this Part.

Power to Treasurer to borrow certain moneys.

58—(1) It shall be lawful for the Treasurer to reappropriate, and from time to time pay and apply, for the purposes of this Act generally an amount not exceeding Two hundred and fifty thousand Pounds out of the money borrowed and raised under and for the purposes of the Returned Soldiers Settlement Act, 1916, and which at the commencement of this Act was unapplied.

(2) For the purpose of giving effect to the provisions of Section Fifty-six it shall be lawful for the Treasurer, from time to time as occasion may arise, to reappropriate out of any moneys provided under and for the purposes of the Returned Soldiers Settlement Act, 1916, any sum or sums of money not exceeding in the aggregate the sum of One million Pounds and to apply the same for the purposes of this Act generally.

Powers and obligations of Minister.

59—(1) The Minister shall cause to be paid from time to time all moneys payable under this Act for—

i, Purchase money or compensation in respect of land acquired :

ii. Interest as provided by Section Fifty-three and Section Fifty-five :

iii. Costs and expenses incurred in giving effect to the purposes of this Act : and

iv. Costs of administration, including the salaries, allowances, and expenses payable to members of the Board and all officers, servants, and workmen employed in or for the purposes of such administration.

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(2) All such payments shall be made by the Treasurer on the authority of the Minister and shall be charged by him to the appropriate account in each case according as the payment is for the purposes of Part VII. or otherwise. A.D. 1929.

60—(1) The Treasurer shall pay out of the Consolidated Revenue to the State Sinking Fund Commissioners a sum of One thousand five hundred and twenty-six Pounds annually from the first day of July, one thousand nine hundred and thirty, for the purpose hereinafter mentioned. Closer Settlement sinking fund.

(2) Such annual payments, together with all moneys paid out of the Consolidated Revenue as provided by Section Four of the Closer Settlement Act, 1924, and all accumulations thereof in the hands of the said Commissioners, shall constitute a sinking fund for the purpose of redeeming a sum of Twenty-two thousand two hundred and twenty Pounds Three Shillings and Threepence standing to the debit of the Closer Settlements Suspense Account established by Section Three of the said Act. 15 Geo.V. No. 48.

(3) Such annual payments as aforesaid, shall be continued until such sinking fund is sufficient for the purpose aforesaid, when such sinking fund shall be applied as provided by the State Sinking Fund Act, 1929, and thereupon the Closer Settlements Suspense Account shall be closed. 20 Geo. V. No. 27.

61—(1) Except as hereinafter provided, the Treasurer shall pay out of the Consolidated Revenue to the credit of the Closer Settlement Act Account in each financial year the amount of any debit balance shown in respect of the immediately preceding financial year in the profit and loss account of the Board's transactions for such year, exclusive of any transactions under Part VII. Provision for annual losses from revenue.

(2) If and when in respect of any financial year such profit and loss account as aforesaid shows a credit balance, there shall be opened in the books of the Treasury an account to be called "The Closer Settlement Act Reserve Account," and the amount of such credit balance shall be credited thereto, and all amounts so credited shall be applied for the reduction or extinction, as the case may be, of any debit balance shown in such profit and loss account in respect of any subsequent financial year, before any payment from the Consolidated Revenue shall be made as provided by Subsection (1) hereof.

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PART IX.

GENERAL PROVISIONS.

Power to
Trustees to sell
land for the
purposes of this
Act.

62—(1) In any case where the Minister exercises the power to acquire land under this Act in respect of land vested in trustees without power of sale, it shall be lawful for such trustees to sell such land for the purposes of this Act and to execute valid instruments of assurance to vest the same in His Majesty, free from all trusts affecting the same notwithstanding the provisions of any trust instrument relating thereto.

(2) Upon any such sale, or upon the compulsory acquisition of land under this Act, it shall be lawful for the Minister to pay to any such trustees as aforesaid all moneys payable in respect of such land whether as purchase money or for compensation.

(3) All moneys so paid to such trustees shall be held by them upon the same trusts as affected the land in respect of which the same are so paid.

(4) Nothing in this section shall affect the jurisdiction, if any, of the Supreme Court in any such case, to modify or vary any such trusts as aforesaid or to make any order in relation thereto which such Court could have made if this section had not been passed.

21 Vict. No. 11.

(5) In the application of the provisions of the Lands Clauses Act in any such case as aforesaid, the same shall be construed subject to the provisions of this section.

Recovery of
moneys.

63 Where any money is payable by any lessee or purchaser of any land under this Act or by any other person in respect of any rent, buildings, purchase money, advance, or interest, the same shall be a debt due to His Majesty and may be recovered as provided by the Crown Remedies Act, 1891.

55 Vict. No. 25.

Recovery of
possession of
land.

64—(1) Where any lease granted under this Act has been forfeited or surrendered, possession of the land comprised therein may be recovered by the Minister as landlord thereof under the provisions of the Recovery of Possession of Tenements Act, 1901, and all the provisions of that Act shall be applicable thereto.

1 Ed. VII.
No. 20.

(2) In any proceedings for such recovery under the Act above mentioned, production of the Gazette containing a notification of forfeiture in respect of the land affected or production of the tenant's application to surrender the same, as the case may be, shall be sufficient evidence of the determination of the lessee's tenancy thereof.

Accounts and
reports.

65 As soon as is practicable after the close of each financial year the Minister shall cause to be laid before each House of Parliament—

- i. Separate statements, certified as correct by the Auditor-General, in respect of the Closer Settlement Act Account and of the Closer Settlement Act (Soldiers') Account respectively, comprising—

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- (a) Profit and loss accounts showing records of revenue and administration and other expenses in respect of— A.D. 1929.
- (i) The financial year then closed ; and
 - (ii) All transactions under the Acts hereby repealed and this Act up to the end of that financial year ; and
- (b) A balance-sheet compiled under the double account system :
- II. A statement showing the areas of all lands acquired or reserved under or for the purposes of this Act during the preceding financial year, with particulars of—
- (a) The locality and quality of such land :
 - (b) The name of the person, if any, from whom it was acquired :
 - (c) The price, or compensation, if any, paid : and
 - (d) The valuation and report of the Board—
- in each case : and
- III. A statement of the number and nature of the applications received for land under this Act during the preceding financial year and how the same were dealt with : and
- IV. A report on the condition and settlement of all lands under this Act.

66—(1) The Governor from time to time may make regulations under and for the purposes of this Act in respect of all matters which may be found necessary or desirable for giving effect to the purposes thereof. Regulations.

(2) In prescribing conditions in respect of any matter under this Act, such regulations where necessary or desirable may discriminate with respect to different cases or classes of cases and may be general or in respect of particular areas or localities.

(3) Any such regulations may impose a penalty not exceeding Ten Pounds for the breach of any regulation made under this Act.

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SCHEDULE.

Regnal Year and Number.	Title of Act.
4 Geo. V. No. 39	The Closer Settlement Act, 1913
6 Geo. V. No. 21	The Closer Settlement Act, 1915
11 Geo. V. No. 55	The Closer Settlement Act, 1920
15 Geo. V. No. 48	The Closer Settlement Act, 1924
16 Geo. V. No. 28	The Closer Settlement (Welcome Swamp Tramway) Act, 1925
16 Geo. V. No. 44	The Forester Settlements (Blocks Nos. 1, 2, and 3) Act, 1925
7 Geo. V. No. 20	The Returned Soldiers' Settlement Act, 1916
8 Geo. V. No. 26	The Returned Soldiers' Settlement Amendment Act, 1917
9 Geo. V. No. 49	The Returned Soldiers' Settlement Act, 1918
10 Geo. V. No. 26	The Returned Soldiers' Settlement Act, 1919
11 Geo. V. No. 35	The Returned Soldiers' Settlement Act, 1920
12 Geo. V. No. 78	The Returned Soldiers' Settlement Act, 1921
13 Geo. V. No. 54	The Returned Soldiers' Settlement Act, 1923