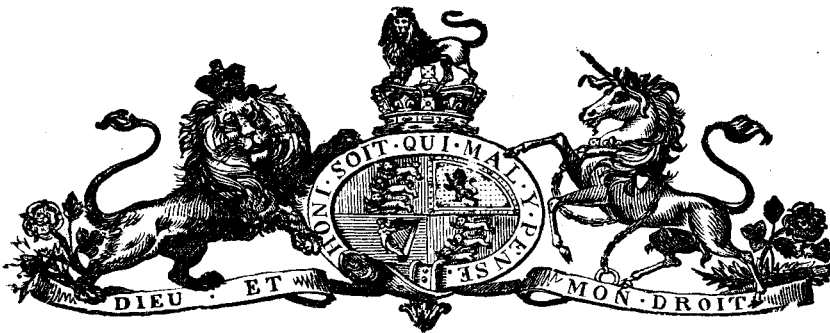


T A S M A N I A



1901.

ANNO PRIMO

EDWARDI VII. REGIS,

No. 23.



AN ACT to provide for the Acquisition and Purchase of Private Lands for the purposes of Settlement, and for the disposal thereof.

A.D. 1901.

[13 December, 1901.]

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:—

1 This Act may be cited for all purposes as “The Land for Settlements Act, 1901.” Short title.

2 In this Act, unless inconsistent with or repugnant to the context, the following words and terms shall have the respective meanings hereby assigned to them:— Interpretation.

“Board” shall mean the Board of Land Purchase Commissioners constituted under this Act:

“Minister” shall mean the Responsible Minister of the Crown for the time being administering this Act:

“Improvements” shall mean orchards, hop-grounds, irrigation works, drainage works, fencing, clearing of land, and conservation of water:

“Owner” shall mean any person, company, or corporation owning private land or having any estate or interest

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therein, and includes any trustee, executor, administrator, or mortgagee having a legal power of sale of private land :—
 “Perpetual lease” shall mean a lease for Nine hundred and ninety-nine years :
 “Prescribed” shall mean prescribed by Regulation made under this Act.
 “Private land” shall mean any land alienated from the Crown in fee simple :

Division of Act.

- 3 This Act shall be divided into Five Parts, as follows :—
 Part I.—Board and Officers.
 Part II.—Acquisition of Land.
 Part III.—Payment for Land Acquired.
 Part IV.—Disposal of Land Acquired.
 Part V.—Miscellaneous.

PART I.**BOARD AND OFFICERS.**

Board constituted.

- 4—(1.) For the purposes of this Act, there is hereby constituted a Board to be called “The Board of Land Purchase Commissioners,” consisting of
 The Surveyor-General,
 The Secretary for Agriculture, and
 Three other persons to be from time to time appointed by the Governor in that behalf ; but no Minister or Civil Servant shall be so appointed.
 (2.) The Governor may at any time remove any person appointed by him.
 (3.) As often as any vacancy may occur by the death, resignation, or removal of any person so appointed, the Governor may appoint some other person in the place of the person so dying, resigning, or being removed as aforesaid.

Quorum and Chairman.

- 5 With respect to the Board, the following provisions shall apply :—
 I. At all meetings of the Board four members shall form a quorum.
 II. The Members of the Board shall at their first meeting held in each year elect one of their body to be the Chairman of the Board for the remainder of the year or until a new Chairman is elected, and he shall preside at all meetings.
 Provided that in the case of his absence from any meeting the members present may appoint one of their number to act at that meeting as Chairman in his stead.
 III. Subject to the provisions of this Act, and the regulations thereunder, the Board may regulate its own procedure.
 IV. Each Member shall have one vote, but if there is an equal division of votes upon any question, it shall be considered lost.

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6 The Governor may from time to time appoint such officers as he deems necessary for the purposes of this Act, and may prescribe their duties and functions.

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Appointment of officers.

PART II.

ACQUISITION OF LAND.

7 For the purposes of this Act, and in the manner hereinafter provided, the Minister may purchase by agreement and acquire for the Crown any private land not being land within the boundaries of any Town.

Power to acquire land.

8 Any owner of land may offer to surrender to His Majesty any land at a price to be named in the offer, and every such offer shall be referred to the Board.

Offer to surrender.

9 The Board may from time to time provisionally negotiate with any owner of private land for the purchase thereof at such price as may be agreed upon between the owner and the Board.

Board may negotiate for purchase.

10 It shall be the duty of the Board to ascertain by the valuation of one or more competent valuers, and by such other means as it thinks fit, the value of any private land which it is proposed to acquire for the purposes of this Act, and may obtain such report or reports as to the character of the land and its suitability for settlement and the demand for land for settlement in the locality where it is proposed to acquire the same.

Board to ascertain value, &c.

11 A statement shall be prepared by the Board giving the under-mentioned particulars in respect of any land proposed to be acquired:—

Statement to be prepared.

- i. The situation, description, and distance from any town railway station or harbour :
- ii. The quantity proposed to be acquired :
- iii. The owner or owners and the occupier or occupiers :
- iv. The price at which the owner agrees to sell :
- v. The fair value of the land :
- vi. The assessed capital and annual value of the land :
- vii. The water supply :
- viii. The nature and value of the buildings and improvements on the land :
- ix. The suitability of the land for settlement :
- x. The purposes to which the land can be applied, showing the acreage of the land which can be applied to agricultural, horticultural, pastoral, and other purposes respectively :

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- xi. The demand for land in the neighbourhood for settlement and the probability of the immediate selection thereof :
- xii. Such other matters as the Board may see fit to inquire into and include in the statement.

Power to enter into provisional contract.

12 If it appears from the report of the Board that the land is suitable, the Minister may from time to time, with the advice of the Board, enter into a provisional contract or agreement with the owner for the purchase of such land.

Contract to be subject to approval of Parliament.

13 After any provisional contract or agreement with regard to any land has been entered into as aforesaid, no further action shall be taken to acquire any such land thereunder until the purchase has been authorised by a Resolution of both Houses of Parliament in the manner hereinafter provided.

Copies of contract, &c., to be placed before Parliament.

14 Copies of any provisional contract or agreement with any owner for the purchase of any land shall be placed upon the table of both Houses of Parliament, accompanied by a copy of the statement prepared by the Board as aforesaid, and copies of all valuations obtained by the Board, together with a plan of the said estate.

Acquisition of land to be authorised by Parliament.

15 If the House of Assembly and Legislative Council shall by resolution declare that it is expedient to acquire such land, the authorisation of the acquisition of such land shall become absolute.

Land purchased to be dealt with under this Act.

16 All land purchased and surrendered in manner aforesaid shall, on and from the date on which the purchase is completed, be deemed and taken to be Crown Land, and, except as hereinafter provided, shall be dealt with under the provisions of this Act.

Stamp duty not payable.

17 No stamp duty shall be chargeable upon or in respect of any contract entered into under this Act.

PART III.

PAYMENT FOR LAND ACQUIRED.

Mode of payment for land acquired.

18 All land acquired under this Act may be paid for by money, or (with the assent of the person entitled) by inscribed stock created and issued as hereinafter provided, or, with such assent as aforesaid, partly by money and partly by inscribed stock.

Treasurer may raise moneys.

19—(1.) For the purpose of providing funds for the acquisition of land under this Act, and also for the several purposes of this Act, the Treasurer, upon being authorised by the Governor so to do, is hereby empowered to raise from time to time, by way of loan, in *Tasmania*

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or elsewhere, such sums of money, not exceeding in each year the sum of Fifty thousand Pounds, as he thinks fit. A.D. 1901.

(2.) As security for the moneys so raised, or (with the consent of the persons entitled to payment) in or towards satisfaction of the purchase-money or compensation payable in respect of land acquired, the Treasurer may create and issue inscribed stock under "The Inscribed Stock Act, 1889," or "The Local Inscribed Stock Act, 1895," or partly under one Act and partly under the other. Inscribed Stock may be issued as security.
52 Vict. No. 55.
59 Vict. No. 6.

20 For the purposes of the last preceding Section hereof, the Treasurer may from time to time prescribe the mode and conditions of repayment of the sums raised as aforesaid, the rates of interest thereon, not exceeding the sum of Four Pounds per centum per annum, and the times and places of the payment of principal and interest respectively. Powers of Treasurer as to moneys raised.

21 All moneys raised as aforesaid shall, as and when raised, be paid into the Public Account to the credit of a separate account called "The Land for Settlements Account"; and, with respect to such separate account and the moneys therein, the following provisions shall at all times apply:— Moneys raised to be paid to Land for Settlements Account.

- i. The costs and expenses incurred in raising the aforesaid moneys shall be charged to and paid out of that account: Cost of raising moneys.
- ii. All sums payable in respect of the acquisition of land or in respect of interest on moneys raised under this Act shall be paid out of that account:
- iii. Any of the moneys in that account may, until required for the purposes of this Act, be temporarily invested from time to time, as the Treasurer directs, in any Government securities, or on fixed deposit at interest in any bank in *Tasmania*, or in any securities wherein for the time being any balances in the Public Account may lawfully be invested; and all interest received in respect of any such investment shall be paid into the Land for Settlements Account. Temporary investment of moneys.

22—(1.) For the purpose of paying off or renewing at maturity any inscribed stock created and issued under this Act, the Treasurer may create and issue inscribed stock for the like amount, with such currency, not less than Ten years, as he thinks fit; and for the purpose of paying off or renewing at maturity any such new inscribed stock, other new inscribed stock may in like manner be created and issued by him. Renewal of Inscribed Stock at maturity.

(2.) All such new inscribed stock shall be deemed to be created and issued under this Act, and the provisions of this Act shall, *mutatis mutandis*, apply thereto accordingly.

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PART IV.

DISPOSAL OF LAND ACQUIRED.

Disposal of land
acquired.

23 All land purchased under this Act shall, subject to the provisions of this Act, and of the regulations made hereunder, and except as herein provided, be disposed of under perpetual lease.

*Reserves.*Requisite land
may be reserved.
54 Vict. No. 8.

24 It shall be lawful for the Minister to set apart a sufficient part of the land purchased under this Act for roads, public reserves, or any other of the purposes mentioned in Sections Twenty-four, Twenty-six, and Twenty-eight of "The Crown Lands Act, 1890," and when so set apart may be proclaimed by the Governor as reserved for roads or public purposes, and shall thereupon become subject to the provisions of the last-mentioned Act.

Portions of land
purchased may
be used for State
farms.

25—(1.) It shall be lawful for the Minister, out of any lands purchased under this Act, to reserve from time to time such blocks as he thinks fit for the purposes of State or experimental farms or nurseries.

(2.) So long as any block is so reserved, there shall be payable in respect thereof the same rent and other payments in all respects as if the block had been disposed of by lease to private persons.

(3.) All such rent and other payments shall be paid out of moneys appropriated by Parliament from the Consolidated Revenue Fund, and shall be credited to the Land for Settlements Account.

Reserves for
public purposes.

26—(1.) The Minister may from time to time, as he thinks fit, set aside reserves for towns out of land purchased under this Act; but no such land shall be set aside for endowments.

Payment therefor.

(2.) When any land is set aside as a town under this Section, the said land shall cease to be subject to this Act, and shall become subject to the provisions of "The Crown Lands Act, 1890;" but one-half of the net proceeds from the sale of such lands shall be credited to the Land for Settlements Account, and the other one-half expended in making streets or in effecting other improvements in the town.

Power to resume
leased land for
public purposes.

27 The Governor may resume, for roads, railways, or tramways, or for sites for towns, or for mining purposes, or for any public purpose, the whole, or, from time to time, any portion of the land subject to any lease from the Crown under this Act: Provided, that at least Three months' notice of the intended resumption shall be given to the lessee.

Compensation to
be paid for
resumed land.

28 In case of any resumption, as specified in the last preceding Section, the lessee shall be paid compensation for the loss he shall sustain thereby, and, in case of dispute, such compensation shall be determined by the Board, or, at the option of the lessee, by Two arbitrators, of whom One shall be nominated by the Minister, and the other by the lessee, or, in case of the arbitrators not being able to agree, by an umpire to be appointed by them before entering upon

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the consideration of the amount of compensation or payment; and the reference shall be subject to, and in all respects conform to, the provisions in that behalf contained in "The Arbitration Act, 1892." A.D. 1901.

Disposal by Way of Lease.

29 The remainder of the land so purchased shall be sub-divided into allotments, the value of each such allotment not to exceed Two thousand Pounds, and such allotments shall be proclaimed in the *Hobart Gazette* as available for being taken up under lease, subject to the provisions of this Act. Remainder to be subdivided into allotments.

The notice in the *Gazette* that allotments are available for being taken up under this Act shall contain the following particulars in respect of each allotment, namely:— Gazette notice.

- The size or acreage :
- The situation :
- The rental :
- The capital value :
- The value of the buildings thereon :
- The value of the improvements thereon :
- The annual instalments payable for the buildings and improvements :
- The date and time up to which applications for leasing will be received.

30 In every case where land purchased under this Act is to be disposed of by way of lease in perpetuity, the following provisions shall apply, that is to say:— Provisions regulating leasing of land.

- I. Every lease shall be for a term of Nine hundred and ninety-nine years, to be reckoned from the next First day of *January* or *July* following the date of the lease, and shall in addition include the broken period between the date of the lease and such day :
- II. The lease shall be dated as on the day whereon the Board declares that the applicant has succeeded in obtaining the allotment :
- III. The allotments shall be numbered, and, where ballot is required, shall be balloted for as hereinafter provided :
- IV. Applicants for allotments shall be not less than Twenty-one years of age :
- V. Every application shall be in the prescribed form, and accompanied by such declaration as may be prescribed :
- VI. Every applicant shall, to the best of his ability, answer the prescribed questions, and such other questions relating to his means and ability to work the land and fulfil the conditions of the lease, as the Board may see fit to ask :
- VII. An application may comprise more allotments than one, but no applicant shall be entitled to obtain more than one allotment :

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- VIII. If there is only one approved applicant for any allotment, he shall be entitled to that allotment, and thereupon his application shall be void as to all other allotments :
- IX. When more applications than one are received within the required time for the same land, the right to occupy the land shall, if such applications are accepted by the Board, be decided by ballot in accordance with the regulations made under this Act :
- x. No person shall be entitled to apply for or hold any allotment if, at the date of his application, he is directly or indirectly, either by himself or jointly with any person or persons, the owner, tenant, or occupier of any land whatsoever under this Act, or the owner in fee simple, or the tenant or occupier, under a lease for a term whereof not less than Three years are unexpired, of any other land in *Tasmania* which, with the allotment applied for, would exceed the capital value of Two thousand Pounds: But the shareholder in any duly registered or incorporated company owning or occupying any land in *Tasmania* shall not, by reason thereof, be debarred from applying for or holding any allotment under this Act :
- XI. If there is only one approved applicant for more than one allotment, he shall be entitled to select any one of such allotments, and thereupon his application shall be void as to all other allotments ; but he shall declare his selection before the commencement of the ballot :
- XII. If a person is one of several approved applicants for more than one allotment, he shall be entitled to the allotment for which he is first successful in the ballot, and thereupon his application shall be void as to all other allotments :
- XIII. In the case of a husband or wife, if either of them is not entitled under the provisions hereof to apply for or hold any allotments, neither of them shall be deemed to be so entitled ; but the fact that the wife or husband of the applicant is under the age of Twenty-one years, shall not debar the applicant from applying for or holding an allotment :
- XIV. The applicant shall state in his application whether he is owner or occupier of any land in *Tasmania* or not, and also the means he possesses for stocking and cultivating the land, and erecting suitable buildings thereon, and complying with the terms and covenants of the lease :
- xv. Before taking the ballot, or otherwise disposing of the applications, the Board—
- (a) Shall ascertain and determine who of the applicants are entitled to apply for and hold land under this Act, and who are not ; and also
- (b) May call on any applicant to appear and give evidence as to his compliance with the foregoing provisions of

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this Act, and also as to his general ability to properly cultivate the land and fulfil the conditions of the lease: A.D. 1901.

xvi. If any such applicant fails to satisfy the Board on any material point, the Board may by resolution reject his application, and in such case the rejection shall be final, and the application shall be deemed to be void:

xvii. Every application shall be accompanied by a deposit of One half-year's rent of the land applied for, together with the sum of One Guinea to defray the cost of the lease:

Provided that where the application comprises more allotments than One, it shall be sufficient if the deposit is equal to the half-year's rent of the allotment, the rent of which is the highest:

xviii. If the applicant is successful in obtaining an allotment, the deposit, or a sufficient portion thereof, shall be retained as the first half-year's rent thereon in advance, computed from the date of the commencement of the term of the lease, and the residue shall be returned to him:

xix. If the applicant is unsuccessful, or if the application is rejected, the deposit shall be returned to him.

31 The Board may from time to time direct allotments to be disposed of by way of perpetual lease for workers' homes, and with respect to allotments to be disposed of for that purpose the following special provisions shall apply:— Special provisions as to allotments for workers' homes.

i. The area of each allotment shall in no case exceed Five acres:

ii. The application shall be made in such form and shall contain such particulars as are prescribed by regulations:

iii. Subject to regulations, advances may be made out of the Land for Settlements Account to successful applicants in aid of the cost of fencing and planting the allotments and building dwelling-houses thereon.

Provided that in no case shall the total advance to any One applicant exceed Fifty Pounds, nor shall any advance exceed pound for pound of the sum expended by him in fencing, planting, and building as aforesaid:

iv. All such advances, together with interest thereon at the rate of Five per centum per annum, shall be repayable by equal half-yearly instalments extending over such period, not exceeding Ten years, as, subject to regulations, the Board thinks fit to prescribe, and, until paid, shall be deemed to be a charge on the land and on the lessee's interest therein:

v. The lease shall contain such special provisions for insurance and otherwise as, subject to regulations, the Board thinks fit to prescribe:

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vi. Such regulations may also prescribe—

- (a) The mode in which applications shall be dealt with by the Board ; and also
- (b) The qualifications to be possessed and the conditions to be fulfilled by each applicant, failing which the application shall be void :

vii. Subject to the provisions of this Section and the aforesaid regulations, the provisions of the last-preceding Section hereof shall apply.

Special as to Buildings and Improvements.

Special provisions
where buildings
situate on land
acquired.

32 In every case where buildings and improvements are situate on the land at the time when it is to be disposed of by way of lease, then, notwithstanding anything to the contrary contained in this Act, the following special provisions shall apply :—

- i. The Board shall cause the buildings and improvements to be valued separately from the land, and the rental shall be computed on the capital value of the land apart from the buildings and improvements :
- ii. The value of the buildings and improvements shall be paid by the lessee by equal half-yearly instalments in advance, extending over such period, being not more than Twenty-one years, as the Board in each case thinks fit to determine, together with interest at the rate of Five Pounds per centum per annum upon the amount from time to time due in respect of such buildings and improvements, and, until paid, shall be deemed to be a charge on the land and on the lessee's interest therein :
- iii. The Board may, if it thinks fit, postpone the commencement of such period, and the payment of the first half-yearly instalment as aforesaid, until the expiration of the second year of the term of the lease ; and in such case the lessee shall in the meantime pay interest on the value of the buildings and improvements at the rate aforesaid by equal half-yearly instalments in advance :
- iv. The Board may, if it thinks fit, at any time receive from the lessee the whole of the sum then due in respect of the value of the buildings and improvements, or any portion of such sum exceeding the amount of the instalment then payable :
- v. All moneys received from the lessee in respect of the value of buildings and improvements or in respect of interest shall be paid into the Land for Settlements Account :
- vi. The lease shall be in such form, and shall contain such provisions for insurance and otherwise, as the Board prescribes, in order to give full effect to this Section.

*Land for Settlements.**Leases.*

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33 Every lease issued under this Act shall contain such terms and conditions, not being inconsistent herewith, as may be prescribed, and in particular every lease shall, *inter alia*, contain the following conditions:—

Conditions in leases.

- i. A condition that the lessee shall substantially and permanently improve the land demised in any manner to the satisfaction of the Board to a value equal to two and half per centum of the capital value of the land in each of the first ten years of the term of the lease: Provided that if the lessee shall satisfy the Board that he has in any year improved the said land to a greater value than is required by this condition, such excess value may be taken into account in any subsequent year or years: Provided also, that if any sum is payable by a lessee for buildings or improvements under the last preceding Section, the amount required to be expended under this Sub-section shall be reduced by such sum: Land to be improved.
- ii. A condition that the lessee shall personally reside on the land demised within one year from the date of the lease, and thereafter shall personally reside thereon eight months during each year of the first ten years of the term of the lease. Personal residence by the wife or any child not less than eighteen years of age of the lessee shall be considered personal residence by the lessee: Residence.
- iii. A condition that the lessee shall not transfer, assign, mortgage, or sub-let, or part with the possession of the whole or any part of the allotment without the recommendation of the Board and the consent of the Minister: Non-alienation.
- iv. Such other conditions and covenants relating to mining and cultivation and vermin destruction, and any other matter whatever not inconsistent with this Act, as may be prescribed. Other conditions.

Rentals.

34—(1.) The rental of land disposed of by way of lease shall be at a rate to be fixed by the Board, being not less than five per centum per annum on the capital value of the land, and shall be payable yearly. Rental and capital value.

(2.) Such capital value shall be fixed by the Board, and shall be at a sum not less than sufficient to cover the cost of the acquisition of the land, together with the cost of survey, roading, subdivision, and other works and operations done on the land, the value of so much of the land as is absorbed by roads and reserves (being other than reserves made under Section Twenty-six hereof), and the estimated cost of administration.

(3.) Such rental shall, as and when received, be paid into the Land for Settlements Account.

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Rebate on punctual payment of rent.

35 In order to encourage the punctual payment of rent, the following special provisions shall apply in the case of land hereafter disposed of by way of lease :—

- i. The Board may in its discretion grant to the lessee not being in arrear with any previous instalment of rent or other money payable under his lease a rebate not exceeding one-tenth of each yearly instalment of rent which he pays within one month after the day appointed for the payment thereof:
- ii. Such rebate may, when agreed to by the Board, be deducted and retained by the lessee from the full nominal amount of the instalment when making the payment.
- iii. In any case where the Board does not see its way to grant a rebate of rent as aforesaid such decision shall be final and conclusive.

Liability of lessee on breach of condition or non-payment of rent.

36 Every lease shall be liable to forfeiture in such manner as may be prescribed upon breach of any condition annexed to such lease, or if any yearly instalment of rent or other money payable under his lease be not paid within One month after the day appointed for the payment thereof, but forfeiture for such non-payment may be prevented by payment thereof with an additional sum equal to Five per centum of the amount of such overdue payment within Three months of the due date thereof, or of Ten per centum of such amount within Six months of such date, but no forfeiture shall operate to extinguish any debt to the Crown in respect of such overdue payment.

Forfeiture may be rescinded.

37 The Minister, notwithstanding the forfeiture of any lease under this Act, may, on the recommendation of the Board, whenever he thinks it expedient so to do, rescind or annul such forfeiture, upon such terms as he may think fit.

Time may be extended for performance of conditions of lease.

38 Whenever any lease under this Act shall have become, or be liable to revocation, and in the opinion of the Minister a lesser penalty than revocation would meet the justice of the case, the Minister may, on the recommendation of the Board, from time to time, extend the period during which the lessee may perform the conditions of his lease, for such time, and subject to such terms and conditions, as he may with the advice of the Board think fit. The terms and conditions so imposed by the Minister shall be binding upon the lessee and all transferees, assignees, and other persons claiming through or under him, and the lease under which the land is held, shall thereafter be construed as if such terms and conditions were inserted therein.

Covenants, &c., may be extended.

39 The Minister, on the recommendation of the Board, may at any time, and from time to time, extend, or wholly or partially remit, all or any of the covenants, agreements, and conditions contained in any lease made or granted under this Act in any case where he is satisfied that by reason of any special circumstances it would be impossible to

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comply with, or would inflict great hardship upon the lessee to enforce, such covenants, agreements, or conditions. A return of all such remissions, with the reasons therefor, shall be annually laid before Parliament, within one month after the opening of Parliament for the dispatch of business. A.D. 1901.

40 It shall be lawful for the Minister, on the recommendation of the Board, to reduce or remit any arrears of rent payable in respect of any lands leased from the Crown under this Act. A return of all such reductions and remissions with the reasons therefor, shall be annually laid before Parliament within one month after the opening of Parliament for the dispatch of business. Arrears of rent may be remitted, &c.

41 The Board shall not consent to any transfer, assignment, or sub-lease to any person who is not entitled to apply for or hold an allotment under the provisions of this Act. Transfer of leases.

42 Any person who shall become entitled to any lease as the devisee, legal personal representative, or trustee in bankruptcy of the lessee, or as Curator of Intestate Estates, may hold the same notwithstanding that he may not be entitled to apply for or hold an allotment under the provisions of this Act. Devisees, &c., excepted from provisions of Acts.

43 Any lease issued under this Act may at any time be surrendered on such conditions as the Board may approve. Surrender of leases.

44 If any land which has been taken up under lease under this Act be forfeited or surrendered it shall again be subjected to the provisions of this Act, and may be dealt with accordingly. Land forfeited or surrendered subject to Act.

45 Should no application be made within Three months from the date on and after which any lands were last declared to be open to be taken up on lease under this Act, or should all applications received be rejected or refused, the Minister may from time to time, and at any time thereafter, offer, as in manner provided by Section Twenty-nine, such lands at such reduced rent as he may, with the advice of the Board, deem proper. Land not taken up, how to be dealt with.

Disposal by way of Sale in Special Cases.

46 Notwithstanding anything to the contrary in this Act, land purchased under this Act may be disposed of by way of sale in fee-simple in the cases and subject to the following conditions, that is to say :— Power to sell sites for factories, &c.

- i. With the consent in each case of the Board, land may be sold in fee-simple as sites for dairy or fruit-preserving factories, or for mills or creameries :
- ii. The area of each site shall not exceed two acres :
- iii. The price shall in each case be fixed by the Board, and shall be not less than the cost of the land (including in the cost

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all expenses incurred under this Act in connection with the land), and shall be paid to the Board in cash :

- iv. The proceeds of the sale shall be paid into the Lands for Settlements Account.

Special Powers of Board in respect of Land acquired.

Power to utilise and develop land acquired, and prepare it for settlement.

47 For the purpose of utilising and developing land acquired under this Act and preparing it for settlement, the following special provisions shall apply :—

- i. As soon as practicable after any land has been acquired, the Board shall, where necessary, cause it to be surveyed, classed, and subdivided, and may lay off such roads and set aside such reserves as it thinks expedient :
- ii. Pending the disposal of the land by way of lease, the Board may deal therewith and carry on operations thereon in such manner in all respects as it deems expedient :
- iii. If the land contains deposits of coal, lime, or valuable stone, the Board may deal with and dispose of the land (otherwise than by sale) and do or contract for the doing of such works and operations in such manner and on such terms and conditions as, subject to regulations, it deems expedient for the purpose of most advantageously developing and utilising such deposits :
- iv. All moneys expended by the Board under this section shall be paid out of the Land for Settlements Account, and all moneys received by the Board under this Section shall be paid into that account :
- iv. The difference between the moneys so expended and received in respect of any land, or of the deposits therein, shall be taken into account in computing the total capital value of the land, and the rental shall be fixed accordingly.

PART V.

MISCELLANEOUS.

Lessee liable for rates or taxes.

48 Every lessee of land held under this Act shall be deemed to be an owner or occupier as the case may be of private lands held within the meaning of all Acts relating to the payment of rates or taxes, or relating to Local Government or to Public Health or to Boundary Fences.

Unused road-lines may be closed.

49 In any case where, on the Report of the Board, it appears that unformed and unused roads intersect any land purchased under this Act, and are not suitable to the subdivision of the land, the Governor, by notification in the *Gazette*, may close such roads and declare them to be subject to this Act, and thereupon they shall be deemed to be portion of the land acquired as aforesaid and may be disposed of accordingly.

Land for Settlements.

50 Except where hereinbefore otherwise provided, all moneys payable under this Act shall be paid out of the Land for Settlements Account without further appropriation than this Act. **A.D. 1901.**

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All moneys payable out of Land for Settlements Account.

51 The Governor may from time to time make regulations for all or any of the following purposes, that is to say :—

Regulations.

- i. Prescribing the forms of notices, requisitions, and claims in respect of land to be taken compulsorily under this Act :
- ii. Fixing the time within which and the manner in which shall be done any act, matter, or thing for which under this Act a prescription is contemplated or required :
- iii. Prescribing the mode, terms, and conditions in and subject to which land acquired under this Act may be disposed of :
- iv. Prescribing the forms of leases :
- v. Prescribing the conditions of occupation of any such land :
- vi. Regulating the meetings of the Board, and the conduct of its business :
- vii. Generally any other purpose for which regulations are contemplated or required.

52 Within Thirty days after the commencement of each Session of Parliament, the Minister shall lay before both Houses of Parliament—

Annual accounts and reports to be laid before Parliament.

- i. A statement (duly certified by the Auditor-General) of the moneys received into and paid out of the Land for Settlements Account during the preceding year :
- ii. A statement showing the area of each estate acquired under this Act during the preceding year, and the price or compensation paid for the same, and the report of the Board on each allotment leased in the preceding year with the name of each lessee and the rental payable therefor, and a report on the condition and settlement of all lands acquired under this Act.

53 All expenses incurred in the administration of this Act shall be paid out of the Land for Settlements Fund. **Expenses of administration.**

