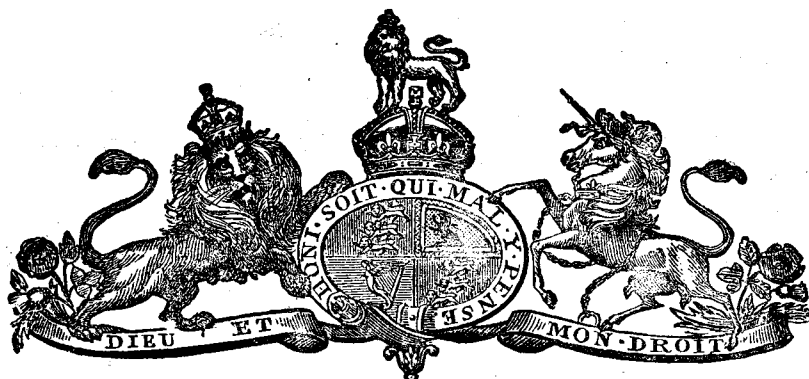


TASMANIA



1906.

ANNO SEXTO

EDWARDI VII. REGIS,

No. 33.

AN ACT providing for the Acquisition and ^{A.D.}1906.
Disposal of Land for Closer Settlement, and
for other purposes. [30 November, 1906.]

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; that is to say :—

PART I.

PRELIMINARY.

1 This Act may be cited as “The Closer Settlement Act, 1906.”

Short title.

2 “The Land for Settlement Act, 1901,” is hereby repealed.

Repeal.
1 Ed. VII. No.
23 (Tas.).
Interpretation.
“Board.”

3 In this Act, unless the context otherwise requires—

1. “Board” means the Closer Settlements Board constituted by this Act :

[s. 6d.]

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"Lessee."

"Minister."

"Owner."

64 Vict. No. 52,
s. 2 (N.Z.).

"Prescribed."

"Private land."

Division of Act.

II. "Lessee" includes the transferee, assign, and representative of a lessee, and any person to whom his interest in a lease comes by operation of law :

III. "Minister" means the Minister for Lands and Works :

IV. "Owner" means any person owning private land in fee-simple, and includes any person who, as trustee, executor, administrator, life-tenant, mortgagee, or otherwise howsoever, possesses the legal power of sale of private land in fee-simple, whether with or without the consent of the Supreme Court of *Tasmania* or of any person having any estate or interest in the land :

v. "Prescribed" means prescribed by this Act or any Regulation thereunder :

VI. "Private land" means any land alienated from the Crown.

4 This Act is divided into Parts, as follows :—

Part I.—Preliminary.

Part II.—The Closer Settlements Board.

Part III.—Power to acquire Land for Closer Settlement by Agreement.

Part IV.—Disposal of Land acquired.

Part V.—Miscellaneous Provisions.

PART II.**CLOSER SETTLEMENTS BOARD.**

Power to appoint
Closer Settlements
Board.

Members of the
Board.

Removal.

Quorum.

5—(1.) For the purpose of carrying out the provisions of this Act there shall be a Board consisting of Three members, One of whom shall be the Chairman of the Board. The members present shall elect One of their number to be Chairman for any meeting where the appointed Chairman is absent.

(2.) The name of the said Board shall be the Closer Settlements Board ; and the Chairman and members thereof shall be appointed by the Governor.

(3.) The Governor may at any time remove the Chairman or any member of the Board, and appoint some other person thereto on such removal or on the death or resignation of any member, and may in the case of the absence or continued illness or inability to perform his duties of the Chairman or any member appoint some person to act as his substitute during such absence, illness, or inability.

(4.) Any Two members of the Board shall be a quorum, and shall have and may exercise all the powers and authority conferred upon the Board by this Act ; and during a vacancy in the Board the continuing members may act as if no vacancy had occurred.

(5.) The Board, and the several members thereof, and any person appointed under Sub-section (14.) of Section Twenty-eight of this Act, when conducting any inquiry or investigation under this Act, shall have

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all the power and authority of Justices of the Peace under the provisions of *The Magistrates Summary Procedure Act*, including the power to summon and compel the attendance of witnesses, and to take evidence on oath or affirmation, and shall also have power to require and compel any person summoned as a witness to produce any books, writings, or documents, pursuant to such summons to determine, and to make orders for the payment of, costs and expenses, and to enforce the same, and generally to make such orders as may be necessary to give effect to their determination in the matter of such inquiry or investigation: Provided that no person shall be compelled to answer any question that would tend to incriminate him.

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Board to have power of Justices.

(6.) Any member of the Board who is not an officer of the Public Service shall be paid an attendance fee of not exceeding Two Pounds and Two Shillings for each meeting which he attends at which a quorum is present. Not more than One fee shall be paid to any member in respect of any one day. No member shall be entitled to receive or be paid in any one financial year more than Two hundred Pounds for attendance fees, but shall be entitled to receive in addition to his fees payment of travelling expenses incurred by him in discharge of his duties.

Payment of certain members of Board.

(7.) Subject to the Public Service Act the Governor shall appoint a Secretary to the Board, who may on behalf of the Board sign or accept service of any document issued by or to be received by the Board.

Secretary.

(8.) No person while a member of the Board shall be eligible as an applicant or be interested in any application for a lease or in any agreement under this Act.

Member of Board not to be interested in allotted lands.

(9.) No member of the Board shall hear or deal with any application in which any partner or relative of such member shall be interested.

Member not to deal with application by relative.

(10.) Any allotment of land made or application granted contrary to the provisions of the Two immediately preceding Sections shall be absolutely void, except as against any purchaser, not being a partner or relative of such member, who shall purchase *bonâ fide* for value without notice of the offence having been committed.

Allotment to relative void.

(11.) Subject to the provisions of this Act and the Regulations thereunder, the Board may regulate its own procedure.

Board may regulate its procedure.

PART III.**POWER TO ACQUIRE LAND FOR CLOSER SETTLEMENT BY AGREEMENT.****DIVISION I.***Power to acquire.*

6 For the purposes of closer settlement under this Act the Minister may, on the recommendation of the Board, in the manner hereinafter provided, purchase by agreement and acquire for the Crown, private land in any part of *Tasmania*; and all land so acquired shall thereupon become Crown land as if the same had never at any time been alienated from the Crown.

Power to acquire land for closer settlement.

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DIVISION II.

Purchase by Agreement.

Owner of private land may offer to surrender land to His Majesty ; offer to be binding for Three months.

7 Any owner of private land may by writing addressed to the Minister, or to some person appointed by the Minister in that behalf, offer to surrender the same to His Majesty in consideration of the payment of a price named in the offer ; and such offer shall be binding on such owner, and shall not be withdrawn by him sooner than Three months after the date of the offer, except with the consent of the Minister in writing under his hand : Provided that such owner may from time to time, and for such periods as may be agreed upon between the Minister and himself, renew such offer.

Inspection of and Report on Land.

Officer to inspect and report.

8 If the Minister thinks that it is desirable to acquire any land offered for the purpose of closer settlement, he may so inform the Board. Thereupon the Board, upon giving to the owner such notice as may be prescribed, may direct some competent person, who may be an officer of the Public Service, to inspect and report as to the suitability or otherwise of the land for the purpose of closer settlement.

Authority of officer to enter and inspect and make report.

9 The said officer, with such assistants as he thinks fit, may at any time enter upon the land offered, and remain thereon during daylight for such time as may be necessary to enable him to obtain sufficient information (and if need be to make surveys) for the preparation of his report.

Nature of report.

- 10** Every such report shall, as far as practicable, specify the—
- i. Situation and description of the land :
 - ii. Quantity and situation of land comprising so much of any estate as it is desirable to acquire :
 - iii. Names and addresses of the owner thereof :
 - iv. Reasons for acquiring :
 - v. Objects for which the land is suitable :
 - vi. Officer's opinion as to the area and value of the land : and
 - vii. Such other particulars as the Board may require or may be prescribed.

Valuing of Land and Offer therefor.

Board to fix valuation of land.

11—(1.) On receiving the report the Board shall decide whether the land offered is suitable for the purposes of closer settlement.

(2.) Before deciding the Board may, if it thinks fit, examine the land, for which purpose all or any members of the Board, or any persons thereto authorised in writing by the Board, may enter the same, and remain thereon during daylight for such time as is necessary.

(3.) If the Board is of opinion that the land or any part thereof is suitable, it may, after taking the evidence of any officers of the Public Service, and also of any Two or more competent valuers not being members of the Public Service, fix what is in the opinion of the Board its value,

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(4.) The Board shall report to the Minister as to the value, character, and suitability for settlement of the land, and also as to the demand for land for settlement in the locality where it is proposed to acquire the same.

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and report to Minister.

Acquisition by Purchase.

12 Upon the written recommendation by the Board that the land offered is suitable, and should be acquired for the purposes of this Act, the Minister may negotiate with the owner, and make a contract for the purchase of the land or any part thereof at a price not exceeding that recommended by the Board, and may execute all deeds and instruments and do and perform all acts necessary for the completion of any such purchase.

Upon recommendation of Board Minister may acquire land.

DIVISION III.

Financial.

13 All land acquired by the Minister for the purposes of closer settlement shall be paid for by him in money the proceeds of the sale of debentures or inscribed stock, or, at the option of the owner thereof, and if the Minister consents, with debentures or inscribed stock or partly by money, debentures, or stock; and all such debentures or stock shall have such currency as the Treasurer determines, and shall bear interest at a rate not exceeding Four Pounds per centum per annum.

Purchased land to be paid for by debentures, stock, or money.

14—(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* or elsewhere, such sums of money, not exceeding in each financial year the sum of Fifty thousand Pounds, as he thinks fit: Provided that the said sums of money so authorised to be raised shall not exceed in the whole the sum of Two hundred and fifty thousand Pounds.

Treasurer may raise moneys.

(2.) Where the sum so raised in any financial year is less than the said sum of Fifty thousand Pounds, then to the same extent the sums raised in any subsequent financial year may exceed Fifty thousand Pounds.

Maximum amount to be raised.

(3.) Any moneys authorised by this Act to be borrowed or raised may be borrowed or raised by the issue of—

Debentures or inscribed stock may be issued as security.
52 Vict. No. 55.
59 Vict. No. 6.

i. Debentures under this Act: or

ii. Inscribed stock, in the manner provided by "The Inscribed Stock Act, 1889," or "The Local Inscribed Stock Act, 1895," or partly as provided by the one Act and partly as provided by the other, as the Treasurer may determine, as fully in all respects as if the said Acts (except so far as is in this Act provided to the contrary) were incorporated with this Act—

and as security for the moneys so borrowed or raised (with the consent of the persons entitled to payment), in or towards satisfaction of the

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purchase-money or compensation payable in respect of land acquired, the Treasurer may create and issue debentures under this Act, or inscribed stock, as provided by either of the said Inscribed Stock Acts.

Powers of
Treasurer as to
moneys raised.

15 For the purposes of the last preceding Section, 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.

Renewal of
debentures or
inscribed stock
at maturity.

16 The Treasurer may from time to time, and as often as occasion may require, in like manner create and issue other debentures or inscribed stock with such currency as he thinks fit for the purpose of paying off or renewing any debentures or stock at maturity.

Debentures to be
for sums not less
than £50.

17 All debentures issued under this Act shall be issued for such sums, not being less than Fifty Pounds, and on such terms, as may be determined upon by the Governor.

Payment of
interest on such
debentures.

18 The interest on all debentures issued under the authority of this Act shall be payable half-yearly; and the principal and interest moneys secured by such debentures shall be a charge upon the Consolidated Revenue Fund until repaid.

Preparation of
debentures.

19 The debentures to be issued under the authority of this Act shall be made out at the Treasury in such manner and form, and bearing such date, as the Governor directs, and shall in all cases be signed by the Treasurer, the Auditor-General, and by such other person or persons as the Governor authorises and directs; and the name or names of such other person or persons so to be authorised as aforesaid shall be published in the *Hobart Gazette* before any debentures so signed are issued; and such debentures, and the interest accruing thereon respectively, shall be transferable by the delivery of such debentures.

Where debentures have been burnt or destroyed others may be issued upon proof that the originals have been so burnt or destroyed.

20 In case proof is made on oath by One or more witness or witnesses before any Judge or Commissioner of the Supreme Court, or before a Justice of the Peace in any part of the British dominions, that any debenture issued under this Act and not paid off has, by casualty or mischance, been burnt or otherwise destroyed, and if by such oath the amount of such debenture is ascertained, then and in every such case the Governor is hereby authorised, in case he is satisfied with such proof, to cause another debenture or other debentures of equal amount to be issued in lieu of such debenture or debentures so burnt or destroyed: Provided that the person so receiving such new debenture or debentures shall give security to the Treasurer, to the satisfaction of the Governor, to deliver up to the Treasurer to be cancelled the debenture so certified to be burnt or destroyed if the same is thereafter

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found or produced, and to pay to the Treasurer for the purposes of this Act all such moneys as have been paid out of the Treasury as principal and interest on the new debenture which may have been issued under this provision. A.D. 1906.

21—(1.) All moneys raised or received under this Act shall be paid into the Treasury, and be placed to the credit of an account to be there kept for such purpose, to be called “The Closer Settlements Fund.”

(2.) The said fund shall and may, subject to the provisions of this Act, be applied to—

- i. The payment of the costs and expenses incurred in raising the aforesaid moneys :
- ii. The redemption of debentures and stock and the payment of interest thereon :
- iii. The payment of the price of private land acquired under this Act, and also all costs incidental to the acquiring and disposing of any such land :
- iv. The survey, subdivision, clearing, draining, fencing, or improving of such land, or the making or improving of roads or access thereto :
- v. The payment of the costs and expenses of administering this Act, including any losses and working expenses :
- vi. The payment of attendance fees of members of the Board, and of any valuation fees : and
- vii. The making of advances to lessees as hereinafter provided.

(3.) The total amount to be expended for private lands acquired under this Act shall not exceed the sums provided for in Section Fourteen of this Act.

22 Any of the moneys to the credit of the Closer Settlements Fund 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 Consolidated Revenue Fund may lawfully be invested ; and all interest received in respect of any such investment shall be paid into the Closer Settlements Fund. Temporary investment of moneys.

23 Pending the raising under Section Fourteen of this Act of the moneys thereby authorised to be raised, the Treasurer may, upon the application of the Minister, by the authority of the Governor, from time to time advance to the credit of the Closer Settlements Fund, by way of loan, such sums as he thinks fit out of the Consolidated Revenue Fund in aid of the purposes for which the firstmentioned moneys are to be raised, and every such advance shall be repayable at such time, and bear interest at such rate, not exceeding Four Pounds per centum per annum, as the Treasurer determines. Advances from Consolidated Revenue Fund may be made pending raising of moneys under Act.

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Annual accounts
to be prepared
and submitted to
Parliament.

24 The Treasurer shall, at the end of each and every financial year, cause to be prepared for such year an account of all land acquired pursuant to this Act, and of the amount of debentures and stock issued or money applied in payment for such land, and of the moneys (if any) which have been issued out of the Consolidated Revenue in respect of the principal or interest payable in respect of any debentures and stock issued pursuant to this Act; and such account shall be laid before both Houses of Parliament.

PART IV.

DISPOSAL OF LAND ACQUIRED.

*General.*Land acquired to
be Crown land
subject to Act.

25—(1.) All land acquired under this Act shall, on and from the date on which the acquisition is completed, be deemed to be Crown land subject to this Act.

Unoccupied
Crown lands may
be dealt with
under this Act.

(2.) The Minister, on the recommendation of the Board, may also, notwithstanding anything contained in any Act relating to the sale or disposition of Crown lands, deal with and dispose of any unoccupied Crown land under and pursuant to this Act, as if the same had been acquired thereunder.

Evidence.

(3.) A notification in the *Gazette* by the Minister that any land deemed to be Crown land, or that any other Crown land is subject to this Act, shall be sufficient evidence of the fact.

Disposal of such
land.

26 Land acquired under this Act shall, subject to the provisions of this Act and of the Regulations thereunder, and except as thereby provided, be disposed of under lease pursuant to the provisions of this Act.

Publication of
Gazette notice.

27—(1.) When any allotments are available for lease under this Act, a Proclamation to that effect shall be published in the *Gazette*, and thereupon they may be taken up on lease under this Act.

(2.) The notice in the *Gazette* that allotments are available for lease shall contain the following particulars in respect to each allotment, namely :—

- i. The size or acreage :
- ii. The situation :
- iii. The rental :
- iv. The capital value :
- v. The value of the buildings and improvements respectively thereon :
- vi. The mode of payment :
- vii. The deposit required : and
- viii. Such other particulars as the Board thinks proper

*Closer Settlement.**Disposal by Way of Lease.*

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28 Subject to the provisions of Section Thirty-four of this Act, in every case where land acquired under this Act is to be disposed of by way of lease, the following provisions shall apply ; that is to say :—

Provisions regulating leasing of land.

- i. Every lease shall be for a term of Ninety-nine years, and shall contain a provision enabling the lessee, pursuant to Section Thirty-five of this Act, and subject to the Regulations, to acquire and purchase the land leased :
- ii. The block of land to be disposed of shall in each case be divided into such allotments as the Minister determines, upon the recommendation of the Board :
- iii. An allotment may comprise less or more than a surveyed section, but no allotment shall exceed in value, exclusive of the buildings thereon, One thousand five hundred Pounds :
- iv. The allotments shall be numbered, and, where ballot is required, shall be balloted for in the prescribed manner :
- v. Applicants for allotments shall be not less than Eighteen years of age :
- vi. An application may comprise more allotments than One, but no applicant shall be entitled to obtain more than One allotment :
- vii. If there is only One applicant for any allotment, he shall be entitled to that allotment, and thereupon his application shall be void as to all other allotments :
- viii. If there is only One 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 :
- ix. If a person is One of several 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 :
- x. In cases where there is more than One applicant for the same allotment, applicants who are landless shall have preference over those who are not, and the decision of the Board as to who of the applicants are landless and who are not shall be final and conclusive :
- xi. An applicant for land shall be deemed to be landless if at the time of his application he does not hold, under any tenure, such area of land as, in the opinion of the Board, is sufficient for the maintenance of himself and his family :
- xii. In the case of the husband or wife, if either of them is not landless, neither of them shall be deemed to be landless :
- xiii. The applicant shall state in his application whether he is landless or not, and the means he possesses for stocking and cultivating the land, and erecting suitable buildings thereon :

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xiv. Before taking the ballot or otherwise disposing of the applications the Board —

(a) Shall ascertain and determine as it thinks fit who of the applicants are landless and who are not; and also

(b) May call on any applicant to appear and give evidence before the Board, or before some person appointed by it for that purpose, as to the applicant's compliance with and eligibility under the provisions of this Act, and also as to his general ability to properly cultivate the land and fulfil the conditions of the lease;

xv. If any such applicant fail 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:

xvi. 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:

xvii. 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:

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

Advances to Lessees.

Special provisions
as to advances to
lessees.

29—(1.) The Minister may, on the recommendation of the Board, from time to time, subject to Regulations, make advances out of the Closer Settlements Fund to lessees under this Act in aid of the cost of fencing the allotments and building dwelling-houses thereon.

Provided that in no case shall the total advance to any One lessee exceed One-fifth of the capital value under this Act of the lessee's allotment; nor shall any advance exceed pound for pound of the sum expended by him in fencing and building as aforesaid.

(2) 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 may be prescribed, and, until paid, shall be deemed to be a charge on the land and on the lessee's interest therein, and in all other respects all such advances shall be made upon such terms and conditions as may be prescribed.

*Closer Settlement.**Terms and Conditions of Leases.*

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30 Every lease issued under this Act shall contain such terms and conditions, not being inconsistent therewith, as may be prescribed, and in particular every lease shall 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 Section Thirty-three, 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 following Nine years of the term of the lease unless he shall have previously purchased the land under the provisions of this Act. 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 contrary to the provisions of Section Thirty-six of this Act :

Non-alienation.

- iv. Such other conditions and covenants relating to mining and cultivation, and destruction of pests and noxious weeds, and any other matter whatever not inconsistent with this Act, as may be prescribed.

Other conditions.

Rentals.

31—(1.) The rental of land disposed of by way of lease shall be at a rate to be fixed by the Minister on the recommendation of the Board, being not more than Five per centum per annum on the capital value of the land.

Rental and capital value.

(2.) Such capital value shall be fixed by the Board, and shall be at a rate not less than sufficient to cover the cost of original acquisition of the land, and also the value of any Crown land so disposed of, together with a sufficient sum added thereto to cover the cost of survey, subdivision, the price of so much land as shall on subdivision be absorbed by roads and townships and reserves, and the cost of clearing, draining, fencing, or otherwise improving such land under this Act, and any other costs incurred incidental to the acquiring and disposing

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of any such land, and the cost of constructing roads to facilitate the disposing of any such land, and also the estimated cost of administration.

(3.) Such rent shall, as and when received, be paid into the Closer Settlements Fund.

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

32 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 the 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 Four Pounds per centum per annum of the amount of such overdue payment, within Three months of the due date thereof, or of Five Pounds per centum per annum 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.

Special as to Buildings.

Special provisions
where buildings
situate on land.

33 In every case where buildings 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 to be valued separately from the land, and the rental shall be computed on the capital value of the land apart from the buildings :
- ii. The value of the buildings shall, together with interest thereon at the rate of Five per centum per annum, be paid by the lessee by equal half-yearly instalments in advance, extending over such period, being not less than Five nor more than Twenty-one years, as, subject to the approval of the Minister, the Board in each case thinks fit to determine, and, until paid, shall be deemed to be a charge on the land and on the lessee's interest therein :
- iii. Subject to the approval of the Minister, 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 at the rate aforesaid by equal half-yearly instalments in advance :
- iv. All moneys received from the lessee in respect of value of buildings or in respect of interest shall be paid into the Closer Settlements Fund :
- v. The lease shall be in such form, and shall contain such provisions for insurance and otherwise, as may be prescribed in order to give full effect to this Section.

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34 Where any land acquired by the Minister for closer settlement is in the *bonâ fide* occupation of a tenant the Minister, on the recommendation of the Board, may, if he thinks fit, grant such tenant a prior right of obtaining a lease of any part of such land, subject to the provisions of this Act.

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Tenant in occupation at time of purchase,

Power for Lessee to Purchase Land Leased.

35—(1.) Any lessee shall, after his lease has been in force Ten years, and before the expiration of the Ninety-eighth year of his lease, have the right to acquire and purchase, subject to the Regulations, the land leased to him, if—

Power for lessee to purchase land leased.

- i. He does not then hold land (exclusive of the land leased) of a value exceeding One thousand five hundred Pounds : and
- ii. He has complied with the terms and conditions imposed by this Act, the Regulations, and his lease :
- iii. He has repaid to the Board all instalments of principal and interest in respect of any advances made under Section Twenty-nine of this Act : and
- iv. He has paid to the Board all instalments of principal and interest to be paid by him under Section Thirty-three of this Act in respect of buildings : and
- v. His lease is not liable to forfeiture, or if so liable he prevents the forfeiture within the time prescribed by this Act :

and upon—

- i. Payment to the Board of all rent owing, and a proportionate part of the rent up to the time of the completion of the purchase : and
- ii. Payment of all necessary costs and expenses : and
- iii. His complying with the provisions of this Act, the Regulations, and his lease up to the time of the completion of the purchase.

(2.) The price at which the land may be purchased shall be determined by the Board, and shall not be less than the capital value of the land upon which the rent was based, nor more than such capital value with a sum at the rate of Twenty Pounds per centum thereon added thereto.

(3.) Until the lessee, notifying his intention to purchase the land, completes his purchase, he shall continue to pay and be liable to pay the rent, and shall comply with and be subject to the provisions of this Act, the Regulations, and his lease, in all respects.

General Provisions as to Leases.

36—(1.) It shall not be lawful for a lessee under this Act to transfer, assign, mortgage, sublet, or part with the possession of the whole or any part of the land comprised in the lease within a period of Five years from the date of such lease.

Transfer, &c., of lease prohibited.

Provided that, on the death of a lessee or on the happening of any extraordinary event which in the opinion of the Board renders any such

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dealing with the land necessary or expedient, a transfer, assignment, mortgage, or sub-lease may, with the sanction of the Board and the Minister, be made.

(2.) After the expiration of the said period of Five years no transfer, assignment, or mortgage of the lease or sub-lease shall be effected without the consent of the Board.

Lease may be
surrendered.

37 On the recommendation of the Board, the Minister may, at any time after Two years from the date of any lease, accept a surrender of the lease on the condition that the value of the improvements made by the lessee shall be paid to such lessee by the incoming lessee, the value of such improvements being previously ascertained and determined by the Board, whose decision shall be final.

Transfer, &c., of
leases.

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

Devisees, &c.,
excepted from
provisions of
Acts.

39 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, subject to the provisions of this Act, hold the same notwithstanding that he may not be entitled to apply for or hold an allotment under the provisions of this Act.

In what cases
person not
entitled to hold
an allotment.

40—(1.) Subject to the provisions of the immediately preceding Section, no person shall be entitled to apply for or hold an allotment under this Act if at the date of his application he is directly or indirectly, either by himself or jointly with any person, 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 One thousand five hundred Pounds, exclusive of buildings; 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

Penalty.

(2.) Any person in any way contravening the provisions of this Section shall be liable, on conviction in a summary way, before a Police Magistrate or any Two or more Justices of the Peace, to a penalty not exceeding One hundred Pounds, which may be recovered summarily in the mode prescribed by *The Magistrates Summary Procedure Act*.

Land undisposed
of may be
re-offered.

41 After the expiration of Three months from the date of any notice published in the *Gazette*, pursuant to Section Twenty-seven, declaring any lands available for lease, the Minister may, from time to time, and at any time thereafter, again offer in the manner provided

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by Section Twenty-seven, any allotments that remain undisposed of, at such reduced rent as, with the advice of the Board, he thinks proper. A.D. 1906.

42 Every lessee of land under this Act shall be deemed to be an owner and occupier thereof 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. Lessee liable for rates or taxes.

Land tax so payable by a lessee of land shall be paid by him on the capital value thereof within the meaning of "The Assessment Act, 1900," or any law in force for the time being regulating the assessment of the capital value of land.

Disposal by way of Sale in Special Cases.

43 Notwithstanding anything to the contrary in this Act, land acquired under this Act may be disposed of by way of sale in fee-simple in the cases and subject to the conditions following; that is to say:— Power to sell sites for churches, public halls, factories, mills, or creameries.

- i. On the recommendation of the Board, the Minister may sell land in fee-simple as sites for churches, public halls, dairy factories, fruit-preserving factories, mills, or creameries:
- ii. The area of each site shall not exceed One acre in the case of a church or public hall, and Five acres in the case of a dairy factory, fruit-preserving factory, mill, or creamery:
- 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 all expenses incurred under this Act in connection with the land), and shall be paid in cash:
- iv. The proceeds of the sale shall be paid into the Closer Settlements Fund.

Special Powers of Minister in respect of Land acquired.

44 For the purpose of utilising and developing land acquired under this Act, and preparing it for settlement, the following special provisions shall apply:— Power to utilise and develop land acquired, and prepare it for settlement.

- i. As soon as practicable after any estate has been acquired the Minister shall cause such reserves to be set aside and the estate to be surveyed, roaded, subdivided, cleared, drained, fenced, or otherwise improved as the Board may recommend:
- ii. Pending the disposal of the land by way of lease, the Minister may deal therewith and carry on operations thereon in such manner in all respects as he deems expedient:
- iii. All moneys expended by the Minister under this Section shall be paid out of the Closer Settlements Fund, and all moneys received by him under this Section shall be paid into that fund.

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PART V.

MISCELLANEOUS PROVISIONS.

As to Land vested in Trustees without Power of Sale.

Power of sale
given to trustees
when land
acquired from
them.

45 In the case of land vested in trustees without power of sale the following special provisions shall apply, anything in the instrument containing the trust or in this Act to the contrary notwithstanding—

- i. Such land may be acquired under this Act by purchase in the same manner in all respects as if the trustees were the beneficial owners thereof with power of sale :
- ii. In particular, but without in any way limiting the operation of the foregoing provisions of this Section, the trustees may execute valid instruments of assurance for the purpose of vesting the land in His Majesty :
- iii. All moneys received by the trustees in respect of the purchase of the land by the Minister shall be held by them upon the same trusts as affected the land immediately prior to its being so purchased ; and for the purpose of giving effect to the trusts the trustees may, when necessary, apply the moneys in the purchase of other land :

Provided that this Sub-section shall not affect the jurisdiction of the Supreme Court to vary or modify the trusts in any case where such jurisdiction would have existed if the land had remained vested in the trustees :

- iv. The land so acquired by the Minister shall be deemed to be discharged from the trusts theretofore affecting the same.

Unused Road-Lines.

Unused road-lines
may be closed.

46 In any case where, on the report of the Surveyor-General, it appears that unformed and unused road-lines intersect any land acquired under this Act, and are not suitable to the subdivision of the land, the Governor, by notification in the *Gazette*, may close such road-lines, 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.

Regulations.

Regulations.

47 The Governor may from time to time make Regulations for all or any of the following purposes ; that is to say :—

- i. 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 :
- ii. Prescribing the mode, terms, and conditions in and subject to which land acquired under this Act may be disposed of :
- iii. Prescribing the forms of leases :

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- iv. Prescribing the conditions to be complied with to entitle a lessee to acquire and purchase the fee-simple of the land leased to him, and prescribing the conditions of sale generally :
- v. Prescribing the conditions of occupation of any such land :
- vi. Regulating the meetings of the Board and the conduct of its business :
- vii. Regulating and fixing the scale of travelling expenses of members of the Board :
- viii. Regulating the manner in which debentures shall be issued, and how or by what officer debentures shall be signed or otherwise authenticated, but so that the same shall in all cases be signed by the Treasurer and countersigned by the Governor :
- ix. Providing for the manner of payment of the interest accruing thereon, and for the issue, if the Governor thinks fit, of receipts or certificates for such interest annexed to such debentures or otherwise :
- x. Providing for the issue of new debentures in lieu of any debentures worn or defaced which may be delivered up to be cancelled, and for the issue of new debentures in lieu of such debentures as may be lost, at such times, upon such securities, and under such conditions and precautions as the Governor thinks fit :
- xi. Generally for the safety and convenience of the holders of debentures, and the payment of interest upon the production or delivery of such receipts or certificates, or otherwise as may seem fit :
- xii. Generally any other purpose for which Regulations are contemplated or required.

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48 It shall be lawful for the Governor, by any such Regulations as aforesaid, to provide for the registration of any such debentures as may be delivered up by the holders thereof for that purpose, and for the delivery of certificates of such registration in lieu thereof, which shall be transferable by entries in a register which may be provided for that purpose, in such manner and subject to such conditions and restrictions as the Governor may see fit.

Registration of debentures.

49 All Regulations made under this Act shall—

- i. Be notified in the *Gazette* :
- ii. Take effect from the date of notification, or from a later date specified in the Regulations :
- iii. Be laid before both Houses of Parliament within Thirty days of the making thereof, or if Parliament is not then sitting, within Thirty days after the next meeting of Parliament.

But if either House of Parliament passes a Resolution of which notice has been given at any time within Fifteen sitting days after such Regulations have been laid before such House disallowing any Regulation, such Regulation shall thereupon cease to have effect.

Regulations to be gazetted.

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General

All moneys
payable out of
Closer Settle-
ments Fund.

50 Except where hereinbefore otherwise provided, all moneys payable under this Act shall be paid out of the Closer Settlements Fund without further appropriation than this Act.

Restriction on
sale of intoxica-
ting liquors.

51 No licence or club certificate authorising the sale of any intoxicating liquor shall be granted within the boundaries of any estate disposed of under this Act.

Annual accounts
and reports to be
laid before
Parliament.

52 Within Twenty days after the close of each financial year, if Parliament is in session, or if not, then within Twenty days after the commencement of the First ensuing session, the Minister shall lay before both Houses of Parliament—

- I. A statement (duly certified by the Auditor-General) of the moneys received into and paid out of the Closer Settlements Fund during the financial year :
- II. A statement showing the area of each estate acquired under this Act during the financial year, its locality and quality, the name of the person from whom it was acquired, and the price paid for the same, together with the particulars of each transaction for the acquisition of land concluded within the financial year, and the report and valuation of the Board on each transaction, and a report on the condition and settlement of all lands acquired under this Act.