

# THE CLOSER SETTLEMENT ACT, 1913.

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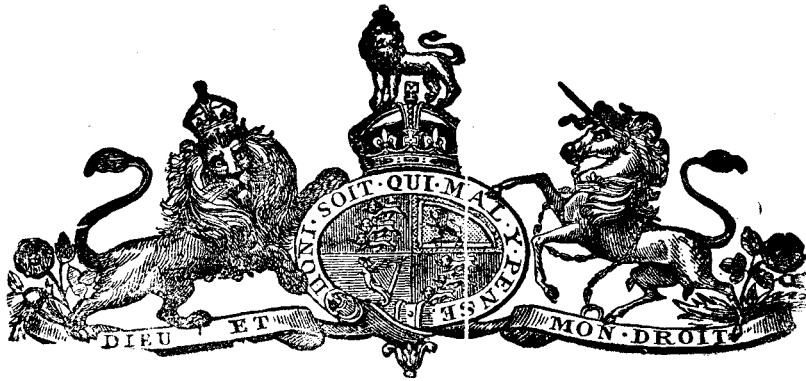
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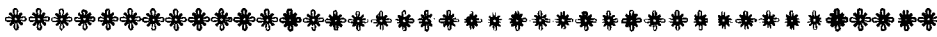


1913.

ANNO QUARTO

GEORGII V. REGIS.

No. 39.



AN ACT to consolidate and amend the Law relating to the Acquisition and Disposal of Land for Closer Settlement.

A.D. 1913

[24 December, 1913.]

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, 1913." Short title.
- 2 The Acts mentioned in the schedule to this Act are hereby repealed : Repeal.  
 Provided that the following provisions shall apply :— Schedule.
  - 1. All proclamations, orders-in-council, orders, regulations, warrants, securities, offices, appointments, requisitions, notifications, records, instruments, and generally all acts of authority which originated under any Act hereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated ; Savings.

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Interpretation.

6 Ed. VII.

No. 33, s. 3.

"Block."

2 Geo. V.

No. 15, s. 2.

"Board."

"Capital value."

2 Geo. V.

No. 15, s. 2.

"Estate."

2 Geo. V.

No. 15, s. 2.

"Lessee."

"Minister."

7 Ed. VII.

No. 29, s. 2.

"Owner."

64 Vict. No. 52,

s. 2 (N.Z.).

"Private land."

"Unimproved

value."

2 Geo. V.

No. 15, s. 2.

Division of Act.

6 Ed. VII.

No. 33, s. 4.

ii. All existing leases granted under any Act hereby repealed shall be deemed to have been granted under this Act:

iii. All matters and proceedings commenced under any Act hereby repealed, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

3 In this Act, unless the context otherwise requires—

i. "Block" means a block of private land in one area; provided that the area shall not be deemed divided by reason merely of its being intersected by a road or stream:

ii. "Board" means the Closer Settlements Board under this Act:

iii. "Capital value" of any land means the sum which the fee-simple of the land might be expected to realise at the time of valuation, if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to require:

iv. "Estate" means an owner's block, and in the case of an owner of two or more blocks includes all the blocks which are held and worked as one and the same property under one and the same management:

v. "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:

vi. "Minister" means the Minister for Lands and Works for the time being:

vii. "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:

viii. "Private land" means any land alienated from the Crown:

ix. "Unimproved value" shall have the meaning assigned thereto in Section Two of "The Land Valuation Act, 1909."

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.

Part IV.—Compensation Court.

Part V.—Disposal of Land Acquired.

Part VI.—Miscellaneous Provisions.

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**PART II.****CLOSER SETTLEMENTS BOARD.**

**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.

Power to appoint  
Closer Settlements Board.  
6 Ed VII.  
No. 33, s. 5.

(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.

Members of the Board.

The Closer Settlements Board already established under the Acts hereby repealed shall be the Closer Settlements Board under this Act, and the Chairman and members of such established Board holding office at the commencement of this Act, shall continue to hold office subject to the provisions of this Act.

Existing Board continued.

(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.

Removal.

(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.

Quorum.

(5) The Board and the several members thereof, and any person appointed under Paragraph xiv. of Section Fifty of this Act, when conducting any inquiry or investigation under this Act, shall have 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.

Board to have power of justices.

(6) The Governor shall determine the mode and rate of remuneration and allowances of each member of the Board, and such remuneration and allowances shall be a charge upon and payable out of the Closer Settlements Fund, which is hereby appropriated for that purpose.

Payment of members of Board.

No member shall be entitled to receive or be paid in any One financial year for such remuneration and allowances, excluding travelling expenses, more than—

- i. Three hundred and fifty Pounds in the case of the Chairman of the Board;

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Secretary.

Members of Board exempt from "Public Service Act."

Member of Board not to be interested in allotted lands.

Member not to deal with application by relative.

Allotment to relative void.

Board may regulate its procedure.

Power to employ officers of Departments under Minister.

ii. Two hundred and fifty Pounds in the case of any other member of the Board.

(7) Subject to "The Public Service Act, 1905," 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.

Any person so appointed secretary under any Act hereby repealed, and holding office on the coming into operation of this Act, shall be deemed to have been appointed under this Act.

(8) The persons who are appointed members of the Board shall not in respect of their office as members be subject to the provisions of "The Public Service Act, 1905."

(9) 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.

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

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

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

**6** For the purpose of carrying out the powers, duties, authorities, and obligations conferred or imposed upon it by this Act or any other Acts, the Board may, with the approval of the Minister, make use of the services of any of the officers and employees of any Department controlled by the Minister.

**PART III.****POWER TO ACQUIRE LAND FOR CLOSER SETTLEMENT.***Division I.—Power to Acquire and Take.*

Power to acquire land for closer settlement.  
6 Ed. VII.  
No. 33, s. 6.  
2 Geo. V. No. 15,  
s. 3.

**7** For the purposes of closer settlement under this Act the Minister may on the recommendation of the Board, in the manner hereinafter provided—

i. Purchase by agreement and acquire for the Crown private land in any part of the State :

ii. Compulsorily acquire and take for the Crown blocks of private land in any part of the State,

and all land so acquired and taken shall thereupon become Crown land as if the same had never at any time been alienated from the Crown,

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**8** All contracts for sale and all leases under this Act shall be made by, to, and with the Minister for Lands and Works for the time being, who shall be therein described by the name of "The Minister for Lands and Works for the time being," without otherwise naming him, and every such contract or lease shall be valid and effectual notwithstanding any change in the person who is the Minister, and may be enforced by and against, and shall be deemed to be made with the Minister for Lands and Works for the time being.

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Contracts, &c., to be made by and with Minister for Lands and Works for the time being. 7 Ed. VII. No. 29, s. 3.

*Incorporation of "Lands Clauses Act."*

**9**—(1) The provisions of the "Lands Clauses Act" shall (except in so far as they are inconsistent with or modified by this Act, and except Sections Eight and Nine thereof) be incorporated with this Act in like manner as if the land to be taken or acquired were land to be taken or acquired for any works or undertaking within the meaning of the "Lands Clauses Act."

Incorporation of "Lands Clauses Act." 2 Geo. V. No. 15, s. 4.

(2) For the purposes of this Act in the construction of the "Lands Clauses Act" the words "Special Act" shall mean this Act, and the words "the promoters of the undertaking" shall mean the Minister.

(3) Such provisions, so far as they relate to parties seized, possessed, or entitled to lands or any estate or interest therein shall apply and extend to owners of land required for the purposes of closer settlement, both as regards land acquired or to be acquired by agreement or taken or to be taken compulsorily.

*Inspection of and Report on Land.*

**10** When the Minister thinks that there is a legitimate demand by desirable applicants for land for the purpose of closer settlement, and that it is desirable to acquire private land 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 as the agent of the Board to inspect and report as to the suitability or otherwise of any land for the purpose of closer settlement.

Agent to inspect and report. 2 Geo. V. No. 15, s. 5.

An officer of the Public Service or a member of the Board shall not by reason of being such officer or member be deemed ineligible to act as such agent.

**11** The said agent, with such assistants as he thinks fit, may at any time enter any private land forming the whole or any part of any estate, 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.

Authority of agent to enter and inspect and make report. 2 Geo. V. No. 15, s. 6.

**12** 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 :

Nature of report. 6 Ed. VII. No. 33, s. 10.

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- III. Names and address of the owner thereof :
- IV. Reasons for acquiring :
- V. Objects for which the land is suitable :
- VI. The agent'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.  
6 Ed. VII.  
No. 33, s. 11.  
2 Geo. V. No. 15, s. 25.

**13**—(1) On receiving the report the Board shall decide whether the land 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 any estate or any part thereof is suitable it may, after taking the evidence of such persons as it may think fit, fix what is in the opinion of the Board its value.

And report to Minister.

(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.

*Voluntary Acquisition.*

Upon recommendation of Board Minister may acquire land.  
2 Geo. V.  
No. 15, s. 7.

**14** Upon the written recommendation by the Board that any private land is suitable, and should be acquired for any of the purposes of this Act, the Minister may conclude the acquisition thereof by purchase 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.

Owner of private land may offer to surrender land to His Majesty ; offer to be binding for Three months.  
6 Ed. VII.  
No. 33, s. 7.

**15** 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.

Power to confirm arrangements between intending lessees and owner of private land.

**16**—(1) Subject to the regulations, Three or more persons desirous of obtaining leases under this Act of any private land belonging to the same owner may—if such owner at the request of such persons offers to surrender such land to His Majesty at a price named in the offer pursuant to the immediately preceding section of this Act—apply to the Minister—

- i. To purchase and acquire such land under this Act for the Crown for the purposes of closer settlement : and



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- ii. To issue leases under this Act of such land when subdivided, to such applicants in accordance with a scheme of subdivision and distribution agreed upon by the applicants or to be settled by the Board and approved by the Minister. A.D. 1913.

Every such offer, agreement, scheme, and application shall be in the prescribed form, and every application shall be accompanied by the prescribed fee.

(2) If the Minister, upon the written recommendation of the Board, concludes the acquisition of any such land by purchase, pursuant to Section Fourteen of this Act, competition for the allotments shall be dispensed with, and the Minister may issue to the several applicants under this section leases under this Act of the said land as subdivided in accordance with the scheme of subdivision and distribution settled by the Board and approved by the Minister.

*Compulsory Acquisition.*

**17** The compulsory provisions of this Act shall apply only where the private land recommended by the Board to be acquired exceeds Twelve thousand Pounds in unimproved value. Cases in which compulsory powers can be exercised.

**18** If the Minister decides to acquire any land recommended by the Board, and the owner refuses to sell, or it appears to the Minister that no agreement for sale can be come to, he may take such land compulsorily in the manner and subject to the conditions hereinafter contained. Land may be taken compulsorily. 2 Geo. V. No. 15, s. 9.

Provided that nothing in this Act shall be deemed to authorise the compulsory acquisition of lands set aside as endowments or reserves.

**19** (1) The owner of an estate in possession, the whole of which is proposed to be taken compulsorily, shall have the right to select in One block and retain out of the estate, for the purposes of residence or business, land the unimproved value of which does not exceed Five thousand Pounds where the land acquired exceeds Twelve thousand Pounds in unimproved value. Right of owner to retain part. 2 Geo. V. No. 15, s. 10.

Where more than One person is an owner in possession of an estate the right to select may be exercised by the joint owners in such a way as they may decide, or, in the event of their disagreement, in such a way as the Compensation Court may determine, provided that the area selected shall not exceed Five thousand Pounds in unimproved value.

(2) If there is a homestead upon the land proposed to be taken by the Minister, he may require the owner, in exercising his right to select and retain, to exercise it so as to include the homestead in the block selected, together with the outbuildings belonging or adjacent thereto. If there is more than One homestead upon the land, the owner may specify which one is to be so included as aforesaid.

(3) Such right shall be deemed to be waived unless the owner asserts his right in his claim as hereinafter provided, and also specifies Claim to retain part.

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therein with reasonable particularity, the area, situation, and boundaries and unimproved value of the land he proposes to select and retain.

If the owner proposes to select and retain a block having a frontage on a road, river, lake, or sea, the width and depth of the block shall be so regulated as not to exceed the proportion of 1 to 2, the first figure representing the width; and in all other cases the block shall be laid off as nearly as practicable in the form of a square.

Exercise of right.

(4) The right to select and retain shall be so exercised as not to prejudicially affect the land proposed to be taken, save to the extent necessary in order to enable the owner to select and retain up to the prescribed maximum value.

Right to require whole estate to be taken.

(5) If the land proposed to be taken compulsorily comprises less than the whole of the estate, the owner, without prejudice to his right to select and retain pursuant to Subsection (1), shall have the right to require the whole of the estate to be taken, if he expressly asserts his right in the hereinafter mentioned claim.

Restriction on disposition of estate.

(6) In order to prevent any evasion or avoidance of the provisions of this section the area of the whole estate shall be computed as at the date of publication in the "Gazette" of notice of intention to acquire the land compulsorily as hereinafter provided, and no subsequent disposition of the estate, or any part thereof, shall operate to defeat the power of the Minister to acquire or take the land.

When restriction on disposition to cease.

(7) If the Minister does not proceed with the purchase, and the land is not acquired or taken by him within Six months after the date of such publication, then the said restriction on the disposition of the land shall cease to have effect.

Notice of intention to take land to be gazetted.  
2 Geo. V. No. 15, s. 11.

**20**—(1) Whenever it is intended to take land compulsorily the Minister shall cause notice of such intention to be published in the "Gazette" and in some newspaper generally circulating in the district in which such land is situated.

(2) Such notice (hereinafter called "the requisition") may be in such form as may be prescribed, and shall specify the acreage and description of the land, and so far as is known the name and address of its owner, and shall expressly require every claimant to serve his claim for compensation on the Minister in the form and manner and within the period prescribed.

Service of requisition on owner.  
2 Geo. V. No. 15, s. 12.

**21**—(1) As soon as conveniently may be after such publication of the requisition, the Minister shall serve on the owner of the land to be taken, if he is in Tasmania, a copy of the requisition as published in the "Gazette."

(2) The service may be effected either personally or by leaving a copy of the requisition as gazetted with some other person apparently of the age of Sixteen years or upwards for him at his last or most usual place of abode or of business, or, in the case of a corporation, in the manner prescribed.

(3) The requisition, when served, shall be accompanied by a plan and description, setting forth the acreage of the land to be taken,

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**22**—(1) Not later than Thirty days after the service of the requisition, in the case of an owner in the Commonwealth of Australia at the time of the publication, or One hundred days in any other case, the owner shall serve on the Minister a claim, setting forth, with all such plans, descriptions, and particulars as the circumstances may require (that is to say):—

- i. The owner's demand (if any) to select and retain land out of the estate, with the acreage, description, position, and value thereof, and the acreage of the whole estate :
- ii. The owner's demand (if any) that the whole of the estate be taken with its acreage and description :
- iii. The nature and particulars of the owner's estate or interest in the land to be taken, and of the estate or interest of every person who so far as he knows has any estate or interest in the land to be taken, and the nature and particulars of all encumbrances, liens, and interests affecting the same respectively :
- iv. Each matter on account of which compensation is claimed, with full particulars of the nature and extent of the claim :
- v. The amount claimed respectively for land to be taken and for land injuriously affected by the taking of such first-mentioned land, giving the amount for each item separately :
- vi. The total amount claimed :
- vii. The full name of owner and address for service : and
- viii. Such further or other particulars as may be prescribed.

(2) Every such claim shall be deemed a claim within the meaning of "The Lands Clauses Act."

**23**—(1) The owner not later than Fourteen days after service of the claim for compensation, shall file in the office of the Registrar of the Supreme Court—

- i. A copy of the claim : and
- ii. A notice stating the name and address of the person he appoints to act as his arbitrator, and some address in this State at which he may be served ; and shall serve a copy of such notice on the Minister.

(2) Within Fourteen days after receiving the notice of the appointment of the owner's arbitrator, the Minister shall also file in the office of the said Registrar a notice stating the name and address of the person he appoints to act as his arbitrator, and shall serve a copy of such notice on the owner by leaving the same at his address for service given in his notice as aforesaid.

(3) If the owner makes default in making or serving his claim, or if the owner or the Minister makes default in appointing an arbitrator, or in doing any other act, matter, or thing by this Act required or directed to be done, or if any arbitrator appointed by either party dies or resigns or becomes incapable or refuses or fails to act as arbitrator, then, on summary application in that behalf by either party, a judge of the Supreme Court may, on such terms as to costs and otherwise as

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Owner to serve claim on Board. Particulars to be specified therein. 2 Geo. V. No. 15 s. 13.

Further procedure on compulsory taking of land. 2 Geo. V. No. 15, s. 14.

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he thinks fit, appoint an arbitrator, or give such directions and make such orders as in his opinion are necessary or expedient to enable the claim to be heard and determined and an award to be made, and, if the default consists of not making or serving the claim, to enable the award to be made and acted upon in the absence of the claim as fully and effectually as if the claim were properly before the umpire and arbitrators.

Division II.—*Financial.*

Purchased land to be paid for by debentures, stock, or money.  
6 Ed. VII. No. 33.

**24** 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 Ten Shillings per centum per annum.

Treasurer may raise moneys.  
Ed. VII.  
N° 33, s. 14.

**25**—(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 (inclusive of any sums already so raised for a like purpose under any Act hereby repealed) the sum of Four hundred thousand Pounds.

Maximum amount to be raised.

(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.

Debentures or inscribed stock may be issued as security.

52 Vict. No. 55.  
59. Vict. No. 6.

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

I. Debentures under this Act:

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 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.  
6 Ed. VII.  
No. 33, s. 15.

**26** 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

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exceeding the sum of Four Pounds Ten Shillings per centum per annum, and the times and places of the payment of principal and interest respectively. A.D. 1913.

**27** 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.

Renewal of debentures or inscribed stock at maturity.  
6 Ed. VII.  
No. 33, s. 16.

**28** 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.

Debentures to be for sums not less than £50.  
6 Ed. VII.  
No. 33, s. 17.

**29** 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 until repaid.

Payment of interest on such debentures  
6 Ed. VII.  
No. 33, s. 18.

**30** 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 "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.

Preparation of debentures.  
6 Ed. VII.  
No. 33, s. 19.

**31** 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 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.

Where debentures have been burnt or destroyed others may be issued upon proof that the originals have been so burnt or destroyed.  
6 Ed. VII.  
No. 33, s. 20.

**32—(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

Closer Settlements Fund.  
6 Ed. VII.  
No. 33, s. 21.

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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, or compensation for, 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 the remuneration and allowances of members and officers 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 Twenty-five of this Act.

2 Geo. V.  
No. 15, s. 25.

Temporary  
investment of  
moneys.  
6 Ed. VII.  
No. 33, s. 22.

**33** 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 may lawfully be invested ; and all interest received in respect of any such investment shall be paid into "The Closer Settlements Fund."

Advances from  
Consolidated  
Revenue may be  
made pending  
raising of moneys  
under Act.  
6 Ed. VII.  
No. 33, s. 23.

**34** Pending the raising under Section Twenty-five 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 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.

Annual accounts  
to be prepared  
and submitted to  
Parliament.  
6 Ed VII.  
No. 33, s. 24.

**35** 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

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any debentures and stock issued pursuant to this Act, and such account shall be laid before both Houses of Parliament. A.D. 1913.

## PART IV.

## COMPENSATION COURT.

*Constitution.*

**36**—(1) There shall be constituted a court, which shall be called the "Compensation Court." Such court shall consist of an umpire and also of Two arbitrators appointed as aforesaid.

Compensation Court.  
2 Geo. V. No. 15,  
s. 15.

(2) Notwithstanding anything contained in any Act, all claims for compensation under this Act shall, subject to this Act, be determined by the the court so constituted.

(3) Notwithstanding the provisions of "The Lauds Clauses Act" the umpire, instead of being nominated by the Two arbitrators, shall by the operation of this Act, and without further or other authority, be such judge of the Supreme Court as the Governor shall from time to time appoint.

*Determination of Requisition and Claim, &c.*

**37** The requisition and claim, and all matters connected therewith, shall as soon as practicable be determined by the Compensation Court in manner following (that is to say) :—

Claim and requisition subject to order of court.  
2 Geo. V. No. 15,  
s. 16.

- i. The said court, having regard to the limitations and provisions of this Act, shall in the first place determine and by its award declare—
  - (a) What land the Minister is entitled or required to take: and
  - (b) What land, if any, the owner is entitled to retain: and
- ii. After such determination and award as aforesaid, the said court, having regard to the provisions of "The Lands Clauses Act" and this Act, shall then determine and by separate award declare—
  - (a) What sum is to be paid by way of compensation, and to whom: and
  - (b) Whatever else may be necessary for the purpose of adjusting the rights of all parties interested in or affected by the proceedings:

Provided that at any time before the separate award has been made, the Minister may discontinue the proceeding on terms of paying costs and expenses, as provided in Paragraph iii. of this section, and the discontinuance shall be effected as provided in that paragraph:

- iii. The discontinuance shall be effected by gazetting a notice under the hand of the Minister that the requisition has

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been revoked and the proceedings discontinued. A copy of such notice shall be filed with the Registrar of the Supreme Court, and a copy shall be served on each claimant at his address so far as known. The claimants shall be entitled to payment of the proper costs and expenses incurred up to the date of the discontinuance, and the amount thereof shall, where necessary, be fixed by the umpire of the Compensation Court, if that court has been constituted, or if not, then by a judge of the Supreme Court, or as such umpire or judge directs. The claimants shall be entitled to include as expenses any loss directly and reasonably caused by reason of the requisition and the proceedings thereon.

Principle of determining compensation.  
2 Geo. V. No. 15, s. 17.

**38**—(1) In determining what sum is to be paid by way of compensation in respect of land taken or injuriously affected by the taking, the Compensation Court shall, notwithstanding anything contained in any Act, have regard only to the capital value of the land.

(2) The value of the land shall in every case be assessed at its capital value as at the date of the publication of the requisition.

Award final and conclusive.  
2 Geo. V. No. 15 s. 18.

**39**—(1) Subject to the provisions of the next succeeding section, the award of the umpire and the Two arbitrators, or of the umpire and One arbitrator, shall be the award of the Compensation Court, and shall be final and without appeal, and shall not in any event be set aside, reconsidered, and redetermined, or settled by the Supreme Court or any other court or any judge or any jury or special jury, or otherwise, anything in any Act to the contrary notwithstanding.

(2) The award, and any supplementary award made as hereinafter provided, may be made a rule of the Supreme Court on the application of the Minister or any party thereto.

(3) Notwithstanding anything contained in "The Lands Clauses Act," the costs of and incidental to each arbitration shall be determined by the Compensation Court at such amount as the court deems just and reasonable, and shall be borne by either or both parties as the court may award.

Court may make supplementary award.  
2 Geo. V. No. 15, s. 19.

**40** The court may from time to time—

- i. Before the publication in the "Gazette" of the proclamation referred to in the next succeeding section, of its own motion :
- ii. Within Twenty-one days after such proclamation, on the application of the Minister or any party concerned—  
make a supplementary award for the purpose of remedying any defect in or of giving fuller effect to the original award.

*Proclamation and Effect of Award.*

Governor to proclaim lands taken.  
2 Geo. V. No. 15, s. 20.

**41** Within One month after the expiration of Twenty-one days after the making of such original award, or of any subsequent supplementary



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award, the Governor shall, by proclamation, declare that the land specified in that behalf in such award or supplementary award is compulsorily taken under this Act. A.D. 1913.

**42** On and from the date of the publishing of such proclamation in the "Gazette," the land therein specified as aforesaid shall, without further or other authority than this Act, become and be deemed to be absolutely vested in His Majesty for an estate in fee-simple in possession, freed and discharged from all other estates and from all encumbrances, liens, claims, and interests whatsoever. Land then to vest in His Majesty. 2 Geo. V. No. 15, s. 21.

*Compensation.*

**43** The compensation money shall in every case be deemed to be payable on the date on which the effective occupation of the land acquired is given up to His Majesty by the owner or other the person in actual occupation at the date of the publication of such proclamation in the "Gazette." Before payment of such money the party claiming payment shall make out a title to the said land, or to the interest claimed by him therein, to the satisfaction of the Crown Solicitor. When compensation payable. 2 Geo. V. No. 15, s. 22.

**44** In any case where by reason of such proclamation having been so published before the amount of the compensation is fixed by the Compensation Court, or for any other reason not imputable to the act, neglect, or default of the person entitled, any compensation-money is not duly paid or satisfied on the date when it becomes payable, then for the period elapsing between that date and the date when the money is duly paid or satisfied, interest thereon at such rate as is agreed on, or as in default of agreement is fixed by the said court, shall also be payable. If compensation not paid on proper date, interest payable. 2 Geo. V. No. 15, s. 23.

*Temporary Retention of Estate by Owner.*

**45** At any time before the publication of such proclamation, the owner may give notice in writing to the Minister that he elects to remain in possession of the land to be specified in the proclamation for a period to be stated in such notice, not exceeding Twelve months from the date on which the proclamation is gazetted, and he shall thereupon have a right to occupy such land for the period so stated, subject to the following conditions (that is to say) :— Owner may elect to retain possession for a specified period. 2 Geo. V. No. 15, s. 24.

- I. No part of the compensation-money shall be payable until the expiration of the said period, and until effective occupation is acquired by the Minister on behalf of the Crown :
- II. At all times during the said period the Minister and any persons authorised by him, either generally or particularly, shall have full and free right of ingress, egress, and regress, through, over, and upon such land, for the purpose of inspecting, surveying, roading, clearing, draining, fencing, or otherwise improving such land or any part thereof, in the same manner and to the same extent as if such land

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- were unoccupied Crown lands, and doing thereto as little damage as possible :
- iii. At all times during the said period the occupier, at his own cost in all things shall keep the land and all buildings, fences, and other erections thereon in good and substantial condition and repair, and also shall insure and keep insured all buildings and erections of an insurable nature in the name of the Minister on behalf of the Crown in such sum and insurance office as the Minister approves ; and if the occupier fails or neglects so to do the Minister may do so in his stead and at his cost in all things : Provided that in so far as any such insurance is subsisting in the name of the Minister the premiums thereon shall be payable by the occupier :
- iv. Whilst in possession of the land under this Section the occupier shall pay and discharge all taxes, rates, and outgoings, and shall be deemed to be an occupier within the meaning of—
- “ The Local Government Act, 1906,”
  - “ The Codlin Moth Act, 1888,”
  - “ The Rabbits Destruction Act, 1889,”
  - “ The Public Health Act, 1903,”
  - “ The Boundary Fences Act, 1908,”
  - “ The Californian Thistle Act, 1883,”
- And every Amendment of the foregoing Acts ; and Every Act administered by a local governing body :
- v. Except with the previous written consent of the Minister, and upon such terms as he thinks fit to impose, the occupier shall not—
- (a) Assign, sublet, or in any way part with possession of the land or any part thereof ; nor
  - (b) Plough any part thereof which is laid down in grass :
- vi. If the occupier fails or neglects to faithfully observe any of the aforesaid conditions, then irrespective of any other right or remedy exercisable by His Majesty or the Minister, the occupier shall, whilst such failure or neglect continues, be liable to pay a rental at the rate of Five per centum per annum on the amount of the compensation-money ; and such rental, together with all costs and expenses incurred by or on behalf of His Majesty under this section, may be deducted from the compensation-money.

*Closer Settlement.***PART V.**

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## DISPOSAL OF LAND ACQUIRED.

*General.*

**46**—(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. Land acquired to be Crown land subject to 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. Unoccupied Crown lands may be dealt with under this Act.

(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. Evidence.  
6 Ed. VII.  
No. 33, s. 25.

**47** 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. Disposal of such land.  
6 Ed. VII.  
No. 33, s. 26.

**48**—(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. Publication of "Gazette" notice.  
6 Ed. VII.  
No. 33, s. 27.

(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.

**49** All land acquired under any Act hereby repealed shall, for the purposes of its disposal and administration, be deemed to have been acquired under this Act, and shall be subject to this Act accordingly. Land acquired under former Acts.

*Disposal by Way of Lease.*

**50** Subject to any special provision of this Act as to leases, the following provisions shall apply in every case where land acquired under this Act is to be disposed of by way of lease ; 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 Fifty-eight of this Act, and subject to the regulations, to acquire and purchase the land leased : 6 Ed. VII.  
No. 33, s. 28.

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2 Geo. V. No. 15,  
s. 25.8 Ed. VII.  
No. 37, s. 2.

- 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, and provision may be made for reserving allotments to the extent of One in every Six, and leasing the same to *bona fide* immigrants into the State at such rent, and upon such terms and conditions as the Minister, with the advice of the Board, may think proper :
- 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. Provided that the Minister may on the recommendation of the Board, increase such maximum value up to but not exceeding Four thousand 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.D. 1913
- (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 his application is rejected, the deposit shall be returned to him.

*Advances to Lessees.*

**51**—(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 (including wire and wire-netting), draining, erecting buildings upon, or otherwise improving the allotments.

The total advance to any One lessee shall not exceed in any case pound for pound of the sum expended by him in such improvements as aforesaid:

Provided that where any such improvement consists of wire or wire-netting, the foregoing limitation shall not apply, and advances may be made up to but not exceeding the value of the wire or wire-netting.

(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 Twenty-one 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.

Special provisions  
as to advances to  
lessees.  
6 Ed. VII.  
No. 33, s. 29.  
2 Geo. V. No. 15,  
s. 25.

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

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Conditions in  
leases.Land to be  
improved.  
6 Ed. VII.  
No. 33, s. 30.Residence.  
2 Geo. V.  
No. 15, s. 25.

Non-alienation.

Other conditions.

Power to Minister  
to impose special  
terms and  
conditions.  
7 Ed. VII.  
No. 29, s. 5.Rental and  
capital value.  
6 Ed. VII.  
No. 33, s. 31.

**52** 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 :—

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 Fifty-six, the amount required to be expended under this subsection shall be reduced by such sum:

ii. A condition that the lessee shall personally reside on the land demised within Two years from the date of the lease, and thereafter shall personally reside thereon Eight months during each year of the following Eight 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:

Where, in the case of any lease, the Board is of opinion that it is advisable so to do, the Board may enlarge the period of Two years mentioned in line Two of this paragraph up to, but not exceeding, Four years from the date of the lease:

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 Sixty-one of this Act:

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.

**53** Notwithstanding anything to the contrary contained in this Act, the Minister may impose special terms and conditions to be contained in any lease thereunder, in addition to the prescribed terms and conditions, in any case in which he considers it expedient to do so.

*Rentals.*

**54**—(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.

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(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 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.

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

**55** 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.

Liability of lessee on breach of condition or non-payment of rent.  
6 Ed. VII.  
No. 33, s. 32.

*Special as to Buildings.*

**56** 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:—

Special provisions where buildings situate on land.  
6 Ed. VII.  
No. 33, s. 33.

- 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 Pounds 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:

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- 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.

Tenant in occupation at time of purchase.  
6 Ed VII.  
No. 33, s. 34.

**57** Where any land acquired by the Minister for closer settlement is in the *bona 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.

*Power for Lessee to Purchase Land Leased.*

Power for lessee to purchase land leased.  
6 Ed VII.  
No. 33, s. 35.

**58**—(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

- 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 Fifty-one of this Act : and
- iv. He has paid to the Board all instalments of principal and interest to be paid by him under Section Fifty-six 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 Five 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.



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(4) The grant deed to be issued to any lessee who shall purchase the land leased to him under the provisions of this section shall contain in every case the following condition:—

“No person who shall hold land in Tasmania (exclusive of the land hereby granted) of an unimproved value exceeding Three thousand Pounds shall be capable of acquiring a title against the Crown to the land hereby granted for a period exceeding One year: Provided, nevertheless, that the breach of this condition on the part of any owner shall not invalidate the title of any person acquiring title by conveyance, transfer, or otherwise through such owner.”

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Condition to be contained in grant.  
2 Geo. V. No. 15, s. 27.

**59** All lands and hereditaments, corporeal or incorporeal, when alienated in fee-simple from the Crown under the provisions of this Act, shall be subject to the provisions of “The Real Property Act,” and the grant deed for any land so alienated shall be issued in accordance with the provisions of Section Seven of “The Real Property Act, No. 2.”

Lands when alienated in fee-simple to be subject to “Real Property Act.”  
26 Vict. No. 1. 7 Ed. VII. No. 29, s. 4.

*Special as to Crown Lands.*

**60** The following provisions shall apply to Crown land brought under or subject to this Act:—

- i. Such land shall be subdivided by the Board into allotments, and the value of each allotment shall be mutually agreed upon between the Minister and the Board, and recorded in the prescribed manner :
- ii. The Board shall be debited by the Commissioner of Crown Lands in the books of his department with the amount of One-half of such value of each allotment acquired by the Board as the price thereof, but no money shall be payable by the Board in respect of such price or in respect of interest thereon, except as hereinafter mentioned :
- iii. Whenever any such allotment, or any part thereof, is disposed of by the Board by way of lease, the Board shall, from the date of the commencement of the lessee's term, pay out of the Closer Settlements Fund into the Treasury, to the credit of the Department of Lands and Surveys, at the times fixed by the lease for payment of rent by the lessee, interest at the rate of Four Pounds per centum per annum upon the price of the leased land debited to the Board until payment by the Board of the said price :
- iv. Whenever the Board sells any such allotment as aforesaid, or any part thereof, the Board shall, upon payment of the purchase-money therefor, pay the price debited to the Board in respect of the land so sold out of the Closer Settlements Fund into the Treasury to the credit of the Department of Lands and Surveys, and thereupon the Commissioner of Crown Lands shall duly credit the Board with such payment :

Provisions relating to Crown land subject to this Act.  
7 Ed. VII. No. 29, s. 7.

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- v. Whenever the land leased or sold as aforesaid is or includes part of an allotment, the Minister shall for the purpose of payment of interest or price by the Board decide what portion of the price debited against the Board in respect of the whole allotment shall be deemed to be debited in respect of the part thereof so leased or sold :
- vi. The provisions of this Act affecting or relating to private land acquired thereunder shall apply to any Crown land which the Minister notifies in the "Gazette" is subject to this Act, and the Closer Settlements Fund may, in the discretion of the Board, be applied in relation to such Crown land as fully as if the same were private land acquired under this Act.

*General Provisions as to Leases.*

Restriction on dealings with leases.

**61** Except on the recommendation of the Board and with the approval of the Minister, 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.

Lease may be surrendered.  
6 Ed. VII.  
No. 33, s. 37.

**62** On the recommendation of the Board, the Minister may at any time accept a surrender of any lease upon such terms and conditions as may be agreed upon between the Board and the lessee.

Transfer, &c., of leases.  
8 Ed. VII.  
No. 33, s. 38.

**63** 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.  
6 Ed. VII.  
No. 33, s. 39.

**64** Any person who shall become entitled to any lease as the devisee, legal personal representative, or trustee in bankruptcy of the lessee, or as Public Trustee, 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.  
6 Ed. VII.  
No. 33, s. 40.

**65**—(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, exclusive of 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.

8 Ed. VII.  
No. 37, s. 3.

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(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."

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Penalty.

**66** After the expiration of One month from the date of any notice published in the "Gazette," pursuant to Section Forty-eight, declaring any lands available for lease, the Minister may, from time to time, and at any time thereafter, again offer, either in the manner provided by Section Forty-eight or as he thinks fit, any allotments that remain undisposed of, at such reduced rent and upon such altered terms and conditions as, with the advice of the Board, he thinks proper.

Land undisposed of may be reoffered.  
6 Ed. VII.  
No. 33, s. 41.

If any such allotment, after being reoffered at a reduced rent pursuant to the foregoing provisions, remains undisposed of, and the Board is of opinion that such allotment is not likely to be taken up on lease as One allotment, the Minister, on the recommendation of the Board, and subject to the regulations, may lease such allotment or any part thereof, either from year to year or for any term of years not exceeding Five, to any person, including the holder of a lease under this Act, at such rent, and subject to such terms, reservations, and conditions as, with the advice of the Board, the Minister thinks proper.

2 Geo. V.  
No. 15, s. 25.

**67** 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.  
6 Ed. VII.  
No. 33, s. 42.

Land tax so payable by a lessee of land shall be paid by him on the unimproved value thereof as ascertained under "The Land Valuation Act, 1909," or any law in force for the time being providing for the Government valuation of land.

*Disposal by Way of Sale in Special Cases.*

**68**—(1) 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.  
6 Ed. VII.  
No. 33, s. 43.

- 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:

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iv. The proceeds of the sale shall be paid into the Closer Settlements Fund.

(2) Notwithstanding anything to the contrary in this Act, on the recommendation of the Board in any special case approved by the Governor, the Minister may sell land acquired under this Act in fee-simple to any person entitled to apply for or hold an allotment under this Act, where, in the opinion of the Minister, the special circumstances of the case render selling preferable to and more advantageous than leasing; and in any such case the proceeds of the sale shall be paid into the Closer Settlements Fund.

*Special Powers of Minister in Respect of Land Acquired.*

Power to utilise and develop land acquired, and prepare it for settlement.  
6 Ed. VII.  
No. 33, s. 44.

**69** 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 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.

Power to Minister to reserve township areas, and sell same in fee-simple.  
7 Ed. VII.  
No. 29, s. 6.

**70** Notwithstanding anything to the contrary contained in this Act, the Minister may, on the recommendation of the Board, reserve any part, not exceeding One hundred acres in area, of any land (whether private or Crown land), purchased or acquired under or subject to this Act, for township purposes, and the Minister may cause the same to be subdivided for sale, and sold by auction in fee-simple for cash or upon credit, or partly for cash and partly upon credit, under and in accordance with the provisions of any Act for the time being in force relating to the sale or disposition of Crown lands; and the proceeds arising from any such sale shall be paid into the Treasury, and be placed to the credit of the Closer Settlements Fund and form part thereof.

Minister may, on recommendation of Board, sell land unsuitable for leasing.  
3 Ed. VII.  
No. 37, s. 5.

**71** Notwithstanding anything to the contrary contained in this Act, the Minister may, on the recommendation of the Board, sell in fee-simple, by auction or private contract, for cash or upon credit, or partly for cash and partly upon credit, under and in accordance with the provisions of any Act for the time being in force relating to the sale or disposition of Crown lands, any portions of any land acquired for the purposes of closer settlement which the Board is of opinion are not suitable for disposal by way of lease under this Act;

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and the proceeds arising from any such sale shall be paid into the Treasury, and be placed to the credit of the Closer Settlements Fund and form part thereof. A.D. 1913.

## PART VI.

## MISCELLANEOUS PROVISIONS.

*As to Land Vested in Trustees Without Power of Sale.*

**72** 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 subsection 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.*

**73** 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.

**74**—(1) In any case where any deviation or alteration has been or shall hereafter be made in any road which passes through land leased under this Act or any Act hereby repealed, and by reason of such deviation or alteration the old road or part thereof is, in the opinion of the Board, not further required, the Minister on the recommendation of

Power of sale given to trustees when land acquired from them.  
6 Ed. VII.  
No. 33, s. 45.

Unused road-lines may be closed.  
6 Ed. VII.  
No. 33, s. 46.

Power to close old road and deal with same where not required by reason of deviation.

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the Board may by notification in the "Gazette" close the said road or part.

(2) Upon the publication of such notification the land forming the road or part of such road referred to in such notification shall cease to form the whole or part of such road (as the case may be); and as regards the said land all rights, easements or privileges (if any) existing or claimed either by the public or any body or person whatsoever or whomsoever shall cease and determine, and the said land shall be deemed to be Crown land subject to this Act, and the Minister may lease the same to the lessee of the land through which the said road or part passed, at such rent and upon such terms and conditions as the Minister thinks reasonable and proper.

*Regulations.*

Regulations.  
6 Ed. VII.  
No. 33, s. 47.  
See 2 Geo. V.  
No. 15, s. 26.

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

- i. Prescribing the forms of notices, requisitions, and claims in respect of land to be taken compulsorily under this Act, and the procedure and forms to be used in making and disposing of claims for compensation in respect of the compulsory taking of land:
- 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 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:
- vi. Prescribing the conditions of occupation of any such land:
- vii. Regulating the meetings of the Board and the conduct of its business:
- 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:

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- 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 : A.D. 1913.
- xII. Generally any other purpose for which regulations are contemplated or required :
- xIII. For the purpose of carrying this Act into effect generally.

**76** 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.  
6 Ed. VII.  
No. 33, s. 48.

*General.*

**77** 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.

All moneys payable out of Closer Settlements Fund.  
6 Ed. VII.  
No. 33, s. 50.

**78** All rent, interest, or other moneys due, owing, or payable at the commencement of this Act, or which may thereafter from time to time become due, owing, or payable under this Act, or under or by virtue of any lease thereunder, shall be deemed to be a debt due to His Majesty, and payment thereof may be recovered and enforced under the provisions of "The Crown Remedies Act, 1891," as in the case of debts due to His Majesty.

Rent and interest due to be deemed a debt due to His Majesty.  
55 Vict. No. 25.  
8 Ed. VII.  
No. 37, s. 6.

**79** 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.

Restriction on sale of intoxicating liquors.  
6 Ed. VII.  
No. 33, s. 51.

**80** 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—

Annual accounts and reports to be laid before Parliament.  
6 Ed. VII.  
No. 33, s. 52.

- 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 balance-sheet duly certified to by the Auditor-General showing the assets and liabilities of the Closer Settlements Fund, together with a statement of the revenue and cost of administration and other expenses in connection with the fund and the profit and loss thereon :
- iii. 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 or compensation paid for the same, together with the

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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.

**SCHEDULE.****ACTS REPEALED.**

Date and Number of Act.	Title of Act.
1906, No. 33	" The Closer Settlement Act, 1906 "
1907, No. 29	" The Closer Settlement Act, 1907 "
1908, No. 37	" The Closer Settlement Act, 1908 "
1911, No. 15	" The Closer Settlement Act, 1911 "