

10

No. , 1912.

A BILL

To authorise the imposing and to provide for the collecting of a tax on lands within boundaries to be defined; to provide for the appointment of a board of arbitration; to amend the Closer Settlement Acts, the Closer Settlement Promotion Act, 1910, the Western Lands Acts, and the Crown Lands (Amendment) Act, 1908; and for other purposes.

[MR. BEEBY;— *August, 1912.*]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

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Short title.

1. This Act may be cited as the "Closer Settlement (Amendment) Act, 1912," and shall be construed with the Closer Settlement Promotion Act, 1910, the Closer Settlement Act, 1904, the Closer Settlement (Amendment) Act, 1906, the Closer Settlement (Amendment) Act, 1907, and the Closer Settlement (Amendment) Act, 1909. Short title.

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2S—(2)

The

The four last-mentioned Acts are herein referred to respectively as—

the Principal Act,
the Act of 1906,
the Act of 1907, and
the Act of 1909;

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and such Acts together are referred to as “the Closer Settlement Acts.”

Definitions.

2. In this Act—

“Land-locked districts” means districts proclaimed as such under this Act.

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“Railway” means any railway in existence, or any railway the construction of which has been or shall be commenced or duly sanctioned, and includes the railway from Moama to Deniliquin.

Land-locked districts.

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3. The Governor, by proclamation in the Gazette, may declare as a land-locked district any lands which are situated—

within fifteen miles from either side of a railway; or

within a radius of fifteen miles from the terminus of a railway; or

within thirty miles from the river Murray;

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and are not situate within any city, town, or urban area, and are not exclusively used for mining or mining purposes.

The Governor may in like manner rescind or alter, wholly or in part, any such proclamation.

4. The Governor shall, before or after the publication of such proclamation, obtain from an advisory board a report with respect to any land proposed to be included or included in such proclamation or any of the matters specified in section three of the Act of 1907. Such report shall contain an estimate by the said board of the value of the land of each owner or mortgagee in possession, and of the improvements thereon respectively :

Taxation of lands within land-locked districts.

5. Upon the expiration of twelve months after the proclamation of a land-locked district has been made, there shall be levied, and the owner or mortgagee in possession of any lands included in such proclamation, shall pay yearly to the Colonial Treasurer—in addition to any other tax leviable from and payable by such owner or mortgagee—a tax at the following rates on each pound of the estimate by the advisory board of the value of the land, exclusive of the value of the improvements thereon—that is to say :—

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(a) For the first year after such expiration, threepence.

(b) For the second year, sixpence.

(c) For the third year, ninepence.

(d) For the fourth year and each successive year, one shilling :

Provided

Provided that where at least one-sixth of the said lands are under cultivation, the tax shall be as follows:—

For the first year, nil.

For the second year, twopence.

5 For the third year, fourpence half-penny.

For the fourth year, eightpence.

For the fifth year, tenpence.

For each successive year, one shilling.

10 **6.** Joint or joint and several owners, or mortgagees, or trustees of land in respect to which they are liable under this Act to be assessed and taxed shall be assessed jointly, but shall be jointly and severally responsible for the due furnishing of returns, and be in like manner liable in respect of the payment of the tax.

15 **7.** In computing the amount of the tax payable under this Act, a deduction of five thousand pounds shall be made from the estimate of the advisory board.

But such deduction shall not be made more than once in the case of an owner of several estates or parcels of land, but in such case the aggregate of the values of such several estates or parcels shall be regarded for the purposes of taxation as if such aggregate 20 represented the value of a single estate or parcel.

And no such deduction shall be made where the taxpayer owns land outside the land-locked district of a greater value than five thousand pounds exclusive of any improvements thereon.

25 **8.** Where within six months prior to the commencement of this Act, or at any time after such commencement, a holding is subdivided amongst relatives of the former owner, and such holding continues to be worked practically as one holding, the provisions of this Act shall apply as if no such subdivision had been made.

30 *Collection of tax.*

9. The Colonial Treasurer shall each year assess the amount of the tax payable by each person who is liable to pay a tax under this Act (in this Act referred to as "the taxpayer").

35 **10.** (1) The said Treasurer shall cause to be sent through the post to every taxpayer a notice in writing (herein called the assessment notice) of any assessment of tax payable by such taxpayer under this Act, or of any increase or reduction of such assessment. Notice of assessment.

(2) In the case of an assessment of tax or an increase of such assessment the assessment notice shall state the amount of tax 40 or additional tax payable by the taxpayer, and shall fix a day upon which such tax or additional tax shall become due and payable, and such tax or additional tax shall become due and payable as prescribed to the said Treasurer by the taxpayer upon the day so fixed. Contents of notice.

(3)

Action for recovery
of tax.

(3) If any taxpayer does not pay tax within twenty-one days after such tax shall have become due and payable by him the said Treasurer may sue him therefor in any court of competent jurisdiction.

Fine.

(4) If any taxpayer does not pay tax within twenty-one days after such tax shall have become due and payable by him, he shall be liable to pay by way of fine *ten* pounds per centum upon the amount of such tax, and the said Treasurer may sue for such fine in any court of competent jurisdiction. 5

(5) The amount of any tax paid under this section shall be credited to the closer settlement fund in the Treasury. 10

Application of
provisions of Acts of
1904, 1907, and 1909.

11. Subject to this Act, the provisions of the Principal Act, and the Act of 1907, and the Act of 1909, relating to the acquisition of land under those Acts and proceedings in relation thereto, shall so far as applicable apply to similar acquisitions and proceedings under the preceding provisions of this Act: 15

Provided that in so applying sections twelve and thirteen of the Act of 1907, the words "five thousand" shall be read instead of the words "twenty thousand" in section twelve; and the right of retainer provided by section thirteen shall be limited to an area not exceeding five thousand pounds in value, exclusive of the value of any 20 improvements thereon.

Determination of price to be paid for land resumed.

12. (1) If the owner or mortgagee of any land resumed under the Closer Settlement Acts is dissatisfied with the amount at which the advisory board has valued the land and improvements, he shall so 25 notify the Minister in the prescribed form; such notification shall be served within twenty-eight days after the notification of the resumption or within such further time as may be allowed by the Minister, or as may on application in a summary way be allowed by a Supreme Court judge. The owner or mortgagee shall set out in such notification 30 the amount which he claims as the value of the land and of the improvements thereon.

After service of the aforesaid notification the fair market value of the land resumed and of the improvements thereon shall be determined by the board of arbitration by way of appeal, in the 35 manner provided by the next following section.

Where such owner or mortgagee fails to so set out the amount he claims as aforesaid, the valuation of the advisory board shall be deemed to be the fair market value of the land and of the improve- 40 ments thereon.

(2) Section eighteen of the Principal Act, and sections nine and ten of the Act of 1907, are hereby repealed.

Board

Board of arbitration.

13. (1) The Governor shall, for the purposes of the Closer Settlement Acts, appoint a board of arbitration, and may dissolve and reconstitute such board.

5 The board shall consist of two members, one of such members to be nominated by the Pastoralists' Association and the other member to be nominated by the Minister.

In the event of the Pastoralists' Association failing to nominate a person for appointment as a member of such board within one month
10 after the commencement of this Act, or the dissolution of the board or the retirement or death of a member nominated by such Association, or within such further time as the Minister may allow, the appointment may be made without any nomination.

(2) In the case of the death, illness, or incapacity of a
15 member of the board of arbitration, the Governor shall—within one month after such death, illness, or incapacity, has been reported to the Minister—appoint another member in his place. And if, under similar circumstances, an umpire is unable to act, the Governor may appoint another umpire in his place: Provided that in any such
20 circumstances an enlargement of the period within which the board of arbitration award was to be given may be allowed by the Minister.

(3) The fee allowable for any member of the board of arbitration shall not exceed six guineas a day, which shall include all expenses, other than actual cost of conveyance by railway, steamer,
25 vehicle, or otherwise.

(4) All matters of dispute as to the value of or price to be paid for lands and improvements resumed under the provisions of the Closer Settlement Acts shall be referred to and determined by the board of arbitration, and the award of such board in any such matter
30 shall be final and without appeal, and shall be capable of enforcement.

14. (1) When any such matter has been so referred to the said board, it shall proceed to make such inspection and investigation as it deems necessary to enable it to give its award, and for the purposes aforesaid it may, on giving the prescribed notice to the owner
35 or mortgagee, enter any land and shall be entitled to have access to any books or papers relating to the management of the land the subject of the investigation, and also to any reports or official documents in connection with such land which are in the possession of the Crown.

(2) The board of arbitration shall have full power to
40 regulate the course of procedure in all matters to be determined, and may, if it so desires, take evidence and examine witnesses on oath, but the taking of any evidence may in its discretion be dispensed with; such board shall act with despatch and economy, and according to equity, good conscience, and the substantial merits of the matter,
without

without regard to technicalities or legal forms, and shall not be bound by any rules of evidence, but may make its award in such manner as is deemed just.

The fair market value shall be construed strictly, and shall not be deemed to include any allowance, compensation, or percentage for the forced sale of any property. 5

15. (1) The board of arbitration shall give its award in writing within two months after the matter has been referred to it by the Minister, or within such further time as may be allowed for that purpose by the Minister. 10

(2) Where the members of the board of arbitration disagree as to value, the fact shall be reported to the Minister, and thereupon the Governor shall appoint an umpire who shall be a judge of the Supreme Court or of a district court. The umpire shall have the powers and duties of the board of arbitration. 15

The award of the umpire shall be final and without appeal, and shall be capable of enforcement.

Costs.

16. Subsection one of section twenty-three of the Act of 1909 is amended by omitting "the court" wherever occurring, and inserting the words "a board of arbitration or an umpire" 20

17. Any purchases or resumptions of land under the Closer Settlement Acts, and any purchases to the value of ten thousand pounds or over, under the Closer Settlement Promotion Act, 1910, or under section nineteen of this Act, shall be paid for by cash or by inscribed stock or Treasury bills, bearing interest at four per centum per annum, and redeemable within a period not exceeding years from the date of issue. 25

Application of moneys received under Closer Settlement Acts.

18. All moneys received after the commencement of this Act in respect of lands acquired or appropriated under the Closer Settlement Acts shall be paid into the Treasury, and shall be carried to the Closer Settlement Fund. 30

Such moneys shall be appropriated as follows:—

- (a) In payment of interest on loan moneys. 35
- (b) In payment of one per centum thereof to sinking fund; and
- (c) The balance towards the purchase of estates under the Closer Settlement Acts or the Closer Settlement Promotion Act, 1910.

Applications

Applications under Act of 1910.

19. Where application is made under section three of the Closer Settlement Promotion Act, 1910, the Minister, instead of proceeding under that Act, may, with moneys in the Closer Settlement Fund, purchase such land at a price not exceeding that recommended by an advisory board.

Lands so purchased by the Minister shall—subject to payment to the Crown of five per centum of the purchase money and survey fee or other fees and expenses—vest in and be held by the applicant as a settlement purchase, under the provisions of the Closer Settlement Acts. The amount of the purchase money paid by the Minister for each settlement purchase shall for the purposes of such Act be deemed to be the capital value of the settlement purchase.

15 *Reduction of the capital value of settlement purchases (Boree Creek Estate).*

20. Whereas it is desirable and expedient that the capital values of the settlement purchases specified in column four of Schedule A hereto shall be reduced to the amounts specified in column five thereof, it is hereby enacted that the capital values of the said settlement purchases shall be deemed to be and to have been at the respective dates of application therefor, the amounts set out against each settlement purchase in the said column five.

Value of Boree Creek Estate farms.

The amounts lodged as deposits and paid as instalments in connection with such settlement purchases, exclusive of interest on such instalments, shall be applied in reduction of the purchase money, and no refund will be made of any sums so paid. The annual instalment of balance of purchase money and interest shall be five per centum of the amounts set out in the said column five in respect of each settlement purchase mentioned therein.

30 *Resumption of certain leases.*

21. Sections fourteen, fifteen, sixteen, seventeen, and eighteen of the Crown Lands (Amendment) Act, 1908, are hereby repealed.

22. (1) An advisory board shall at the request of the Minister report to him—

Advisory board to report as to leases.

35 (a) whether any, and if so what, land comprised in an improvement lease or scrub lease, or lease granted under the provisions of section eighteen of the Crown Lands Act Amendment Act, 1903—the whole or any part of the area of any such lease being situated within fifteen miles of a then existing or duly sanctioned railway, or any lease granted under the Western Lands Acts, is suitable to be acquired for closer settlement;

40 (b)

- (b) as to the estimated value of the residue of the lease of such land ;
- (c) the use to which such land may be put, the capacity of the land for carrying stock or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, the possibilities of irrigating and such other particulars as the Minister requires ;
- (d) on any matter to which the Minister requires a report.

Power of entry and inspection.

(2) For the above purpose the said board, or any member of the board, or any person authorised in writing by the chairman of the board may, on giving the prescribed notice to the owner of the lease, enter any land and inspect the same and any improvements thereon.

Notification of resumption of lease.

23. (1) Where any advisory board reports that any of the land comprised in an improvement lease or scrub lease, or lease granted under the provisions of section eighteen of the Crown Lands Act Amendment Act, 1903, or lease granted under the Western Lands Act, is suitable to be acquired for closer settlement, the Minister may, in his discretion, notify in the Gazette that such lease or part thereof is resumed by the Crown, and thereupon the lease or such part thereof shall, subject to the provision herewith contained, be deemed to be so resumed :

Provided that—except where the value of the lease (other than a lease granted under the Western Lands Acts) does not exceed ten shillings per acre, and the resumption thereof has been recommended by an advisory board—a copy of any such notification shall be laid before both Houses of Parliament within fourteen days after it has been made, if Parliament is then sitting, or within fourteen days after the next meeting of Parliament if Parliament is not then sitting. If such notification is not objected to by specific resolution of each House of Parliament within twenty-one days after being laid before it, such notification shall take effect :

Provided also that where the land resumed is comprised in a lease granted under the Western Lands Acts, and such land is not situate within thirty miles of the river Murray, or where such lands are so situated, and the compensation to be paid in respect thereof exceeds fifty thousand pounds, the resumption shall be subject to approval by resolutions of both Houses of Parliament :

Provided further that if any lands so resumed comprise the greater part of the area of any lease the lessee shall have the right to require the Minister to resume the residue of the lease. Such right shall be asserted on the prescribed form before or within four weeks after the said notification in the Gazette. After such notification the lessee may, with the consent of the Minister, retain the whole or any part of the land comprised in the lease for such period and upon such conditions as may be agreed upon.

(2)

(2) The Minister may agree with the person who at the time of the notification in the Gazette as aforesaid was owner of the lease as to the amount of compensation to be paid such person, but such person may, within twenty-eight days after such notification, or 5 within such further time as the Minister may allow, if no such agreement has been made, notify, by way of appeal in the prescribed form, the Minister that he requires such compensation to be determined by the local land board as hereinafter provided.

Compensation payable to lessee.

10 (3) After receipt of such notification the Minister shall refer the matter to the local land board for determination of the amount of compensation to be paid to the lessee when computed in the manner hereinafter provided. The determination of the local land board, subject to appeal to the Land Appeal Court, shall be final and conclusive.

15 (4) The amount of such compensation shall be the unimproved capital value of the land, together with the estimated value of the lessee's tenant-right in respect of improvements on the land, less the present value of the rent which would be payable by the lessee to the Crown during the residue of the lease, and also less the estimated 20 amount by which the value of the interest of the lessee is diminished by reason of any right of the Minister to withdraw the whole or any part of the land from the lease.

Measure of compensation.

(5) The following provisions shall apply to the costs of all proceedings for determining the amount of compensation aforesaid :—

Cost of proceedings.

25 (a) Where the amount determined by the local land board or Land Appeal Court hearing the appeal is equal to or less than the amount of compensation which the Governor has offered, or where no such offer has been made, the amount of the valuation of the advisory board, the lessee shall pay the costs of the appeal.

30 (b) Where the value so determined is equal to or greater than the amount which the lessee claims as compensation, the Crown shall pay such costs.

35 (c) Where the value so determined is greater than the amount of the offer or valuation referred to in paragraph (a), but is less than the amount of the claim of the lessee aforesaid, the Crown shall pay to the lessee as costs the amount to be fixed by multiplying the lessee's taxed costs by a fraction of which 40 the numerator is the amount by which the amount determined by the board or court exceeds the offer or valuation aforesaid, and the denominator is the difference between the amount of the claim of the lessee and the amount of the said offer or valuation.

(6)

Application of sections of Closer Settlement Act, 1904.

(6) The provisions of sections twenty, twenty-one, subsection one of section twenty-two, sections twenty-three, forty-four, and forty-five of the Act of 1904, relating to the acquisition or resumption of land under that Act, and to the proceedings relating thereto, shall apply, mutatis mutandis, to the resumption of improvement leases, scrub leases, or leases granted under the provisions of section eighteen of the Crown Lands Act Amendment Act, 1903, under this Act, or leases granted under the Western Lands Act, and proceedings in relation thereto. 5

Disposal of land.

24. Any land comprised in an improvement lease or scrub lease, or lease granted under the provisions of section eighteen of the Crown Lands Act Amendment Act, 1903, which has been resumed by the Crown in pursuance of this Act shall be dealt with under the Crown Lands Acts, but shall not be available for the purposes of any application thereunder until a notification declaring it to be so available has been published in the Gazette. And any land comprised in a lease granted under the Western Lands Acts and situated within thirty miles from the river Murray, and which has been so resumed, shall be dealt with under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910. 10 15 20

After auction sales.

25. Where any land within a settlement purchase area has been offered for sale by auction and not sold (whether such offering for sale was before or after the commencement of this Act), the Governor may grant the same at the upset prices thereof to any person who shall duly apply for the same. 25

The applicant shall with his application lodge a deposit of twenty-five per centum of the said upset price, and, if the application be approved by the Minister, shall pay the balance of the said price subject to such terms and conditions as were notified in the Gazette in connection with the aforesaid offering at auction; and upon default the due payment thereof the contract for sale may be cancelled and any moneys paid may be forfeited by notification in the Gazette. 30

Lands may be disposed of as suburban holdings.

26. Notwithstanding anything to the contrary in the Closer Settlement Acts, where any land within a settlement purchase area has been offered for sale by auction and not sold (whether such offering for sale was before or after the commencement of this Act), the Minister may set apart such land for disposal as suburban holdings under and subject to the provisions of the Crown Lands (Amendment) Act, 1912. 35 40

Permissive

Permissive occupancies.

27. Section thirty-nine of the Closer Settlement Act, 1904, is hereby repealed, and the following is substituted for it:—

5 **39.** The Minister may grant permits to occupy from month to month any lands within a settlement purchase area which remain undisposed of, subject to the following terms and conditions:—

- 10 (a) The rent shall be as agreed between the Minister and the occupant, and shall be paid monthly in advance to the Colonial Treasurer.
- 15 (b) The occupant shall take care of and safeguard all improvements situated on the land he is permitted to occupy.
- 15 (c) The occupant shall not allow more than the specified number of stock to graze upon the land.
- 20 (d) The occupancy may be determined by the Minister giving the occupant or by the occupant giving the Under Secretary for Lands two weeks' notice in writing.
- 20 (e) Any other conditions which the Minister may deem advisable.
- 25 (f) If any of the conditions are not complied with, the Minister may, by any person whatsoever, at once enter into possession of the land, and such entry shall be conclusive proof of the non-observance of the condition. The occupant shall thereupon give up occupation of the land.
- 30 (g) The permit to occupy shall not exempt the land from being acquired as a settlement purchase or otherwise under the Closer Settlement Acts. The occupancy of so much of the land as may be so applied for shall cease and determine from the date of any such application, and the rent shall be adjusted or any balance refunded as the case may be.
- 35 (h) A person occupying land under this section shall not bring an action for trespass by stock on such land, or impound any stock trespassing upon such land, unless the land or the portion thereof trespassed upon was, at the date of the trespass, enclosed with a fence reasonably sufficient to keep out stock.

40 *Fulfilment of the conditions of residence.*

28. Any person who is the holder of any holding, and is living continuously thereon as his bona-fide home without any other habitual residence at the time of making or acquiring a settlement purchase, may, Residence may be fulfilled on other land.

may, with the consent of the local land board, or the Minister, and subject to such conditions as may be agreed upon, carry out the condition of residence attached to such settlement purchase by residing on the holding first aforesaid: Provided that the land so held and resided upon shall be within a reasonable working distance of such settlement purchase. 5

Sale or lease of forfeited settlement purchases.

29. If any land acquired under the Closer Settlement Promotion Act, 1910, is forfeited, and the commissioners are unable—within a reasonable time—to resell it upon acceptable terms as a settlement purchase, they may dispose of such land by sale or lease—either by auction or tender—upon such terms and conditions as the Minister may agree to. Any movable improvements on land forfeited and acquired as aforesaid may be disposed of in a similar manner, separately from the land. 15

Dedication of lands.

30. The Minister by notice published in the Gazette may and shall be deemed to have had the power to reserve or dedicate lands within a settlement purchase area—in such manner as may seem best for the public interest—for any purpose notified in the Gazette as a public purpose. Upon such notice being so published, such lands shall become and be reserved or dedicated accordingly, and may at any time be granted in fee simple for such purpose. 20

The Minister shall have the same powers of revocation of any reservation or dedication as are conferred upon him by section one hundred and five of the Crown Lands Act of 1884 in respect to reservations and dedications of Crown lands. 25

Reference to the Land Appeal Court and rehearing by local land board.

Reference to Land Appeal Court.

31. (1) The Minister may refer any decision or recommendation of any local land board given or made before or after the commencement of this Act to the Land Appeal Court for determination in any case where he deems that further consideration is necessary or desirable. 30

Rehearing by local land board. •

(2) Where the Minister considers that further consideration of any decision or recommendation by the local land board, given or made before or after the commencement of this Act is necessary or desirable, he may return it to such board for such purpose, and such board may, with or without taking further evidence, uphold, reverse, alter, or amend its previous decision or recommendation as it may consider just. 35

Retention of part or whole of deposit upon withdrawal.

(3) Where, after such further consideration, the withdrawal of an application for a settlement purchase is permitted, the board may retain the whole or such portion of the deposit as may seem justifiable. 40

Change

Change of venue.

32. It shall be lawful for the Minister from time to time to direct any local land board to deal with any matter, question, or inquiry that has arisen, before or after the commencement of this Act, without regard to the land board district or land district in which the land forming the subject of such matter, question, or inquiry may be situated. And the said land board shall have as full power and jurisdiction to deal with the matter, and to come to a determination therein, as if the land aforesaid were situated within that board's proper land board district or land district.

Land boards may be authorised to deal with matters outside their own district.

Where before the commencement of this Act a local land board has, from inadvertence or otherwise, dealt with or determined a matter, question, or inquiry relating to land situated outside its land board district or land district, such dealing or determination shall be and be deemed to have been as valid as if such land were situated within the land board district or land district of such board.

Rights and liabilities of minors.

33. Any person between the ages of sixteen and twenty-one years who, before or after the commencement of this Act, has made or acquired, or shall make or acquire, a settlement purchase, and shall during his ownership, either personally or by an agent, enter into any agreement for or in relation to the performance of any work or rendering of any services on such settlement purchase or in relation thereto, or to the loan of money or the sale or purchase of goods and chattels of any description whatsoever, or shall in like manner enter into any agreement connected with the occupation, management, or general purposes of such settlement purchase not being in violation of the provisions of this Act or the Closer Settlement Act, 1904, or any Act amending the same, shall be subject to the same liabilities and have the same rights in respect of such agreement as if he were of the full age of twenty-one years.

Rights and liabilities of minors.

Repeals.

34. The provisions of the hereinafter mentioned sections relating to closer settlement boards contained in the Closer Settlement Act, 1904, are hereby repealed, namely:—Sections five, six, seven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, and forty-one.

Repeal of sections of previous Acts.

Amendments of the Closer Settlement Act, 1904.

35. The following amendments are made in the Closer Settlement Act, 1904:—

Section twenty-nine, subsection (b)—The words “improvements, cultivation, or otherwise” are substituted for the words “improvements and cultivation”

Section

Section thirty-one—The following is added at the end of the section :—“ No mortgagee acting under the power of the mortgage and no execution creditor under the process of any court shall submit for sale by public auction any settlement purchase without first having obtained the written consent of the Minister thereto.” 5

Section thirty-eight—“ Minister ” is substituted for “ Governor ”

Section thirty-nine—“ Minister ” is substituted for “ Governor ”

Section fifty-three—The words “ one month ” are substituted for the words “ fourteen days ” wherever occurring. 10

Amendments of the Closer Settlement (Amendment) Act, 1906.

Amendment of Act of 1906.

36. Section seven of the Act of 1906 is amended by substituting the word “ Minister ” for the word “ Governor.”

Section eight is amended by omitting the words “ and adjoining such land,” and by inserting the words “ or any part thereof ” after the word “ land ” and before the word “ added.” 15

Amendment of the Closer Settlement (Amendment) Act, 1907.

37. Section five, subsection one, of the Act of 1907, is amended by inserting the words “ or within a radius of fifteen miles from the terminus thereof ” next before the expression “ being the property of one owner.” 20

Amendments of the Closer Settlement (Amendment) Act, 1909.

Amendment of Act of 1909.

38. Section eight of the Act of 1909 is hereby amended by the substitution of the words “ age of sixteen years ” for the words “ age of eighteen years.” 25

Section nineteen, subsection one, of the same Act is amended by inserting the words “ or within a radius of fifteen miles from the terminus thereof ” next after the words “ proposed railway.”

Section twenty-one of the same Act is amended by inserting next after the word “ same ” in subsection six the words “ or which in the opinion of the advisory board should be granted in exchange for other land,” and by inserting after the word “ tender ” the words “ or exchange.” 30

Amendments of the Closer Settlement Promotion Act, 1910.

39. Section three of the Closer Settlement Promotion Act, 1910, is amended by substituting the word “ cause ” for the word “ notify ”; 35

“notify”; by inserting the words “to be notified” next after the word “commissioners”; and by adding at the end of the section the following proviso:—

5 “ Provided that for the purposes of this section the provision of paragraph (b) of section twenty-six of the Closer Settlement Act, 1904, shall not operate to disqualify an applicant merely on the ground that the land he desires to purchase is held by him as a tenant with a right of purchase.”

10 Section four is amended by omitting the words “on being satisfied” and by omitting paragraphs (a), (b), and (c).

Section six is amended by the addition of the words “not being less than three in number” after the words “remaining applicants.”

Section seven is repealed, and the following is substituted therefor:—

15 7. The Minister, on being satisfied—

(a) that the lands, the subject of such application, are suitable for settlement;

(b) that the applicants are qualified as aforesaid; and

20 (c) that such lands do not exceed a home maintenance area for each applicant,

may approve of the purchases, and upon such approval the vendor may surrender to the Crown the land agreed to be purchased, in order that the purchaser may acquire such land as a settlement purchase and obtain the advance from the commissioners as hereinafter in this Act provided.

25 The following sentence is added at the end of subsection (d) of section eight:—“The first instalment shall be paid at the end of the first year from the date of commencement of title, or within three months thereafter.”

30 Section twelve is amended by adding⁷ at the end of the section the following proviso:—

35 “ Provided that where the existence of useful improvements warrant it, the advance may be up to three thousand pounds; but in no case shall more than two hundred pounds be advanced on account of any dwelling-house on the land.”

Power to make regulations.

40. The Governor may exercise, for the purpose of carrying out the provisions of this Act, the powers of making regulations conferred upon him by section fifty-three of the Closer Settlement Act, 1904. Power to make regulations.

SCHEDULE.

Farm. 1.	Name. 2.	Settlement purchase number. 3.	Capital value, including value of improvements. 4. 5.	
			£ s. d.	£ s. d.
1	Brown, Thomas John Cairns ...	1909/10	2,150 0 0	1,987 10 0
			(£4 6s. per acre.)	(£3 19s. 6d. per acre.)
5	Lattin, Alfred Augustus ..	1909/2	2,349 2 3	2,198 0 0
			(£4 5s. 6d. per acre.)	(£4 per acre.)
6	Brown, Charles Alexander ...	1909/9	2,683 17 8	2,518 19 0
			(£4 9s. 6d. per acre.)	(£4 4s. per acre.)
8	Scott, Ernest James ...	1909/6	2,268 15 2	2,129 11 5
			(£4 1s. 6d. per acre.)	(£3 16s. 6d. per acre.)
10	Peebles, John Alexander ...	1909/4	2,548 0 0	2,422 0 0
			(£4 11s. per acre.)	(£4 6s. 6d. per acre.)
21	Hodges, Charles Cyril ...	1909/8	2,440 6 0	2,347 9 3
			(£4 12s. per acre.)	(£4 8s. 6d. per acre.)
23	Reedy, John ...	1909/7	2,096 16 3	2,004 10 0
			(£3 19s. 6d. per acre.)	(£3 16s. per acre.)
27	Geppert, August ...	1909/1	2,575 15 8	2,487 9 5
			(£4 7s. 6d. per acre.)	(£4 4s. 6d. per acre.)
30	Scott, Andrew Johnstone Hudson	1909/3	2,324 0 0	2,198 0 0
			(£4 3s. per acre.)	(£3 18s. 6d. per acre.)