

9 GEO. V. No. 8, 1918. *Land Acts Amendment Act.*

word "August" is repealed and the word "October" is inserted in lieu thereof; also the word "Treasurer" is repealed and the words "Attorney-General or Minister of Justice" are inserted in lieu thereof.

(ii.) After clause three the following clause is inserted:—

[3A.] Every member of the staff of the Insurance Commissioner shall be bound to secrecy by declaration in the prescribed form.

(iii.) Clauses nine and ten are repealed.

(iv.) In clause eleven the word "referee" is repealed and the word "magistrate" is inserted in lieu thereof.

(v.) In clauses sixteen, seventeen, eighteen, nineteen, and twenty-two the word "referee" wherever it occurs is repealed, and the word "magistrate" is inserted in lieu thereof.

10. The following amendments are made in **The Workers' Compensation Act Amendment Act of 1916*":— Amendment of 7 Geo. V. No. 26.

(a) In the title, the words "for a period of two years from the 1st day of July, 1917," are repealed.

(b) Section four is repealed.

And the Principal Act shall be construed accordingly.

LAND, CROWN.

An Act to Amend "The Land Act of 1910," "The Discharged Soldiers' Settlement Act of 1917," and "The Closer Settlement Act Amendment Act of 1917" in certain particulars. 9 Geo. V. No. 8. THE LAND ACTS AMENDMENT ACT OF 1918.

[ASSENTED TO 23RD OCTOBER, 1918.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Land Acts Amendment Act of 1918.*" Short title.

* 7 Geo. V. No. 26, *supra*, page 7597.

PART I.—AMENDMENTS OF “THE LAND ACT OF 1910.”

Amendment
of s. 40.

2. In paragraph (d) of subsection two of section forty of **The Land Act of 1910*” as amended by section five of *The Land Act Amendment Act of 1916*,” after the words “preferential pastoral holding” the words “other than an unmarried female under the age of twenty-one years or a married woman (unless she has obtained an order for judicial separation or an order protecting her separate property)” are inserted.

The following subsection is added to the said section:—

Application
with highest
rent to be
deemed
made for all
others in
same
notification.

[3.] Notwithstanding anything herein contained where a notification declares two or more lots open for Pastoral Lease, any person who with his application deposits an amount equal to the greatest amount of notified rent per annum for any of such lots may, if he so desires, be deemed to be an applicant for all the lots to which such notification has reference: Provided that nothing in this subsection shall permit of any person holding or acquiring a greater area either as Pastoral Holdings or as Preferential Pastoral Holdings than is allowed in and by such notification.

• Priority to
discharged
soldiers and
men on
active
service.

3. After section seventy-one of **The Land Act of 1910*,” the following section is inserted:—

[71A.] (1.) An applicant for a Perpetual Lease Selection or Perpetual Lease Prickly-pear Selection who—

- (a) Is a discharged soldier within the meaning of †*The Discharged Soldiers’ Settlement Act of 1917*”; and
- (b) Does not hold any land under this Act in Queensland, and does not hold any freehold land in Queensland other than town or suburban land; and
- (c) Lodges his application with the land agent at least seven days before the date on which the land will be open for selection,

shall have priority.

* 1 Geo. V. No. 15 and amending Acts, printed as consolidated, *infra*, Appendix F, page 8775.

† 7 Geo. V. No. 32, printed as amended by this Act, *infra*, Appendix F, page 8926.

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In every case of simultaneous applications by such discharged soldiers, priority shall be determined by lot between them in the prescribed manner, notwithstanding that there are other applicants for the land.

For the purposes of this section all applications for the same land which are lodged by such discharged soldiers at least seven days before the date on which the land will be open for selection shall be deemed to be simultaneous.

In all cases the successful applicant shall be bound to perform the condition of personal residence during the first five years of the term.

In the case of Perpetual Lease Selections the successful applicant may, by notice in writing under his hand, deposited with the Land Agent at the time of making his application for the land, elect to hold the selection under and subject to the provisions of **"The Discharged Soldiers' Settlement Act of 1917,"* and if he does so the selection shall be held under and subject to the said provisions as if the land had been set apart for selection under section four of the said Act.

(2.) An applicant for a Perpetual Lease Selection or Perpetual Lease Prickly-pear Selection who—

- (a) At the time of his application has enlisted for active service with His Majesty's Forces abroad during a time of war, and, if at such time he is within the Commonwealth, lodges with his application a certificate of good behaviour signed by his commanding officer; and
- (b) Does not hold any land under this Act in Queensland, and does not hold any freehold land in Queensland other than town or suburban land; and
- (c) Lodges his application with the land agent at least seven days before the date on which the land will be open for selection,

shall have priority over all other applicants except discharged soldiers, who are entitled to priority under the last preceding subsection.

In every case of simultaneous applications by such soldiers on active service (where no applicant for the

* 7 Geo. V. No. 32, printed as amended by this Act, *infra*, Appendix F, page 8926.

same land is a discharged soldier as aforesaid) priority shall be determined by lot between such soldiers on active service in the prescribed manner, notwithstanding that there are other applicants for the land.

For the purposes of this section all applications for the same land which are lodged by such soldiers on active service at least seven days before the date on which the land will be open for selection shall be deemed to be simultaneous.

In all cases the successful applicant shall be bound to perform the condition of personal residence during the first five years of the term, subject, however, to the provisions of section 93A of this Act.

Amendment
of s. 93A.

4. The following provision is added to subsection two of section 93A of **The Land Act of 1910*” as enacted by section thirteen of †*The Discharged Soldiers’ Settlement Act of 1917*” :—“Moreover, during such absence the time shall not run for the purposes of the periods of five years and three years respectively, referred to in sections seventy-eight, seventy-nine, and eighty-four of this Act, or for the purpose of the period of twelve months referred to in the proviso of the said section seventy-eight.”

5. After section ninety-eight of **The Land Act of 1910*,” the following section is inserted :—

Conversion
of
Agricultural
Farms into
Perpetual
Leases.

[98A.] Any selector of an Agricultural Farm, the term of whose lease has expired, and who has paid all moneys accrued due to the Crown in respect of rent or on any account whatsoever under the expired lease, upon application under his hand made to the Minister within three months after the expiration of such term, shall be entitled either—

- (a) In lieu of acquiring the selection in fee-simple from the Crown under this Act, to have issued to him a Perpetual Lease of the selection, commencing on the date of the expiration of the said term and at an annual rental during the first fifteen years equal to one pound ten shillings per centum of the purchasing price of the farm without abatement in respect of the second year ; and, save as aforesaid, the

* 1 Geo. V. No. 15, printed as consolidated, *infra*, Appendix F, page 8775.

† 7 Geo. V. No. 32, printed as amended by this Act, *infra*, Appendix F, page 8926.

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provisions of section one hundred and four of this Act shall apply so far as the same are applicable; or

- (b) To be granted an extension of his lease of the selection as an Agricultural Farm for a further period of ten years, commencing on the date on which such lease would have expired if no such extension had been granted, and at an annual rental equal to one twentieth part of the purchasing price of the Farm. In such case, for the purposes of section one hundred of this Act, the due payment of rent during such extended period of ten years shall be deemed and taken to be in satisfaction of the balance of purchase money which remained unpaid at the expiration of the twentieth year of the said term.

6. (1.) In subsection (i.) of section one hundred and twenty-one of **"The Land Act of 1910"* as amended by ^{Amendment of s. 121.} section thirty-five of *"The Land Act Amendment Act of 1916,"* after the words "the provisions of section fifty-nine of this Act shall apply to leases under this section," the following proviso is inserted:—

Provided that, notwithstanding anything in the said section fifty-nine contained, the Governor in Council may grant permission to a trustee or trustees of or for any other person, society, association, or union, or religious or charitable body, or of the estate of any deceased person, to apply for, bid for, acquire, or hold a Perpetual Town Lease, Perpetual Suburban Lease, or Perpetual Country Lease under this section; and a company registered as such in the office of the Registrar of Joint Stock Companies in Queensland shall be competent to apply for, bid for, acquire, and hold a Perpetual Town Lease, Perpetual Suburban Lease, or Perpetual Country Lease under this section.

(2.) The amendment of the said section one hundred and twenty-one hereby made shall be deemed to have been inserted in the Principal Act on the nineteenth day of December, one thousand nine hundred and sixteen, and to that extent this enactment shall have retrospective operation.

(3.) In the last paragraph of the said subsection, all words from and including the word "Except" are repealed, and the words "Provided that where the maximum number of allotments or portions, respectively, that may be so held is exceeded by the acquisition of a lease or leases under the will or intestacy of a deceased lessee, the number of allotments or portions in excess of such maximum shall be disposed of and transferred within two years after such maximum has been exceeded; otherwise the number of allotments or portions in excess of such maximum shall be forfeited, and for such purpose the Minister may designate such allotments or portions.

(4.) The following provision is added to the said subsection:—

The following further provisions shall apply to every Perpetual Town Lease and Perpetual Suburban Lease:—

Save as last hereinbefore provided, the lease shall not during the first two years thereof, nor shall any interest therein, be capable of being transferred or assigned, whether by operation of law or otherwise, except in the case of the death or insanity of the lessee.

Within two years after the commencement of the lease, or within such further time, not exceeding twelve months, as the Minister, upon good cause shown by the lessee, may grant, the lessee shall make substantial improvements on the land to the satisfaction of the Minister of a value of not less than twenty-five pounds, or such additional sum as the Minister may in the notification of sale direct.

In the event of breach or non-compliance with any of the foregoing conditions, the lease shall be forfeited.

PART II.—AMENDMENTS OF "THE DISCHARGED SOLDIERS' SETTLEMENT ACT OF 1917."

Amendment
of s. 4.

7. In subsection one of section four of **The Discharged Soldiers' Settlement Act of 1917*," after the words "Crown land," the words "or land acquired under †*The Closer Settlement Acts, 1906-1917*," are inserted.

Amendment
of s. 5.

8. In the first paragraph of section five of **The Discharged Soldiers' Settlement Act of 1917*," after the words "held under this Act," the words "in all cases

* 7 Geo. V. No. 32, *supra*, page 7625.

† Reprinted as amended, *infra*, Appendix F, page 8901.

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where the land has not been acquired under **"The Closer Settlement Acts, 1906-1917,"* or under section three of this Act" are inserted.

9. After section five of †*"The Discharged Soldiers' Settlement Act of 1917,"* the following section is inserted:—

[5A.] The following provisions shall be applicable to every Perpetual Lease Selection applied for or held under this Act in all cases where the land has been acquired under **"The Closer Settlement Acts, 1906-1917,"* or under section three of this Act:—

- (1) It shall not be necessary for a discharged soldier who applies for such selection to deposit with his application any amount or sum by way of instalment of survey fee; but such application shall be accompanied by the applicant's military discharge, or other evidence of his qualification as a discharged soldier.
- (2) During the first fifteen years the annual rent reserved shall be a sum equal to a rate per centum to be fixed by the Minister of the notified capital value of the land; and such rate shall be the rate per centum paid by the Crown as interest on the purchase money for the particular land acquired or estate, as the case may be, of which the land forms part.

The annual rent for each period of fifteen years thereafter shall be determined by the Court upon the application of the lessee or the Minister, made at least six months prior to the expiration of the then current period. Such rent shall be fixed at a sum not exceeding five pounds per centum of the fair unimproved capital value of land of similar quality in the same neighbourhood.

If no such application is made within the prescribed time, the rent then payable shall continue to be the rent for the next period of fifteen years.

- (3) After the expiration of the first five years of the term, the prescribed survey fee shall be paid in ten equal annual instalments.

* Reprinted as amended, *infra*, Appendix F, page 8901.

† 7 Geo. V. No. 32, *supra*, page 7625.

- (4) The lease shall be subject to the condition of personal residence by the lessee during the whole term : Provided that, notwithstanding anything contained in the Principal Act—
- (a) After the expiration of the first ten years of the term, the lessee shall not be debarred from mortgaging, transferring, or subletting his lease in accordance with the Principal Act ; and
- (b) After the expiration of the first five years of the term, the lessee shall not be debarred from transferring his lease in accordance with the Principal Act to another qualified discharged soldier.
- (5) Except as herein otherwise provided, every such selection shall be and be deemed to be a Perpetual Lease Selection under the Principal Act ; and the provisions of section one hundred and four of the Principal Act (save as herein modified), and the provisions of the Principal Act in the said section referred to, shall apply to every such selection so far as the same are applicable.

Amendment
of s. 6.

10. In subsection one of section six of **The Discharged Soldiers' Settlement Act of 1917*," after the words "Crown land," the words "or land acquired under †*The Closer Settlement Acts, 1906-1917*," are inserted.

Amendment
of s. 7.

11. In the first paragraph of section seven of **The Discharged Soldiers' Settlement Act of 1917*," after the words "held under this Act," the words "in all cases where the land has not been acquired under †*The Closer Settlement Acts, 1906-1917*," or under section three of this Act" are inserted.

12. After section seven of **The Discharged Soldiers' Settlement Act of 1917*," the following section is inserted:—

Provisions
applicable to
perpetual
town or
suburban
leases on
acquired
lands.

[7A.] The following provisions shall be applicable to every Perpetual Town Lease or Perpetual Suburban Lease applied for or held under this Act in all cases where the

* 7 Geo. V. No. 32, *supra*, page 7625,

† Reprinted as amended, *infra*, Appendix F, page 8901.

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land has been acquired under **“The Closer Settlement Acts, 1906-1917,”* or under section three of this Act:—

- (1) It shall not be necessary for a discharged soldier who applies for such a lease to deposit any amount or sum by way of instalment of survey fee.
- (2) During the first fifteen years the annual rent reserved shall be a sum equal to a rate per centum to be fixed by the Minister of the notified capital value of the land; and such rate shall be the rate per centum paid by the Crown as interest on the purchase money for the particular land acquired or estate, as the case may be, of which the land forms part.

The annual rent for each period of fifteen years thereafter shall be determined by the Court upon the application of the lessee or the Minister, made at least six months prior to the expiration of the then current period. Such rent shall be fixed at a sum not exceeding five pounds per centum of the fair unimproved capital value of land of similar quality in the same neighbourhood.

If no such application is made within the prescribed time, the rent then payable shall continue to be the rent for the next period of fifteen years.

- (3) After the expiration of the first five years of the term, the prescribed survey fee shall be paid in ten equal annual instalments.
- (4) The lease shall be subject to the condition of personal residence by the lessee during the whole term, and accordingly the provisions of sections eighty-six, eighty-seven, ninety-three, 93A, and one hundred and thirty-three of the Principal Act shall be applicable: Provided that, notwithstanding anything contained in the Principal Act—
 - (a) After the expiration of the first ten years of the term, the lessee shall not be debarred from mortgaging, transferring, or subletting his lease in accordance with the Principal Act; and

* Reprinted as amended, *infra*, Appendix F, page 8901.

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- (b) After the expiration of the first five years of the term, the lessee shall not be debarred from transferring his lease in accordance with the Principal Act to another qualified discharged soldier.
- (5) Except as herein otherwise provided, every such lease shall be and be deemed to be a Perpetual Town Lease or Perpetual Suburban Lease, as the case may require, under the Principal Act; and the provisions of section one hundred and twenty-one of the Principal Act (save as herein modified), and the provisions of the Principal Act in the said section referred to, shall apply to every such lease so far as the same are applicable.

Amendment
of s. 8.

13. Subsection (iv.) of section eight of *"The Discharged Soldiers' Settlement Act of 1917"* is repealed, and the following subsection is inserted in lieu thereof:—

- (iv.) The rate of interest on the amount advanced shall be as follows:—During the first year, at the rate of three pounds ten shillings per centum; during the second year, at the rate of four pounds per centum; during each subsequent year, at an increased rate of ten shillings per centum on the rate charged in the last preceding year, until the rate of interest equals the actual rate of interest (not being more than five pounds per centum) payable by the State in respect of the loan out of which such advance was made (after taking into consideration any additional Government stock necessarily created or issued in order to produce the actual amount of such loan and all costs, charges, and expenses connected with the raising of such loan), and if such actual rate does exceed five pounds per centum, then until the rate of five pounds per centum is reached; and thereafter shall continue at the same rate during the whole term of the advance.

* 7 Geo. V. No. 32, *supra*, page 7625.

9 GEO. V. No. 3, 1918. *Land Tax Act Amendment Act.*

PART III.—AMENDMENT OF “THE CLOSER SETTLEMENT ACT AMENDMENT ACT OF 1917.”

14. In subsection one of section two of **“The Closer Settlement Act Amendment Act of 1917,”* after the words Amendment of s. 2 (1). *“The Land Act of 1910,”* the words *“(including “The Discharged Soldiers’ Settlement Act of 1917”)”* are inserted.

15. In paragraph (ii.) of subsection two of section five of **“The Closer Settlement Act Amendment Act of 1917”* the words Amendment of s. 5. *“but shall not exceed five pounds per centum of the amount bid for the land at public auction”* are repealed, and the words *“or a sum equal to five pounds per centum of the amount bid for the land at public auction, whichever of these sums is the greater,”* are inserted in lieu thereof. The foregoing amendment shall be deemed to have been made in the said Act at the date of the passing thereof, and to that extent this section shall have retrospective operation.

LAND TAX.

An Act to Amend “The Land Tax Act of 1915” by Imposing a Super Tax on the Unimproved Value of certain Land and Amending Section 11 thereof in a certain particular. 9 Geo. V. No. 3. THE LAND TAX ACT AMENDMENT ACT OF 1918.

[ASSENTED TO 6TH SEPTEMBER, 1918.]

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 Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as *“The Land Tax Act Amendment Act of 1918,”* and shall be read as one with Short title and construction of Act. *“The Land Tax Act of 1915,”* herein referred to as the Principal Act.

2. After section nine of the Principal Act, the following section is inserted:—

[9A.] In addition to the land tax provided by this Super tax Act, land tax (called the super land tax) shall be levied

* 8 Geo. V. No. 10, *infra*, page 8921.

† 6 Geo. V. No. 34, *supra*, page 6951.