

VICTORIA.



ANNO TERTIO

GEORGII QUINTI REGIS.

No. 2438.

An Act to further amend the Closer Settlement Acts and for other purposes.

[31st December, 1912.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Closer Settlement Act 1912* and shall be read and construed as one with the *Closer Settlement Act 1904* (hereinafter called the Principal Act) and any Acts amending the same which Acts and this Act may be cited together as the Closer Settlement Acts.

Short title and construction.
Nos. 1962, 2087, 2128, 2168, 2229, 2309.

Amendments of the Closer Settlement Act 1904.

2. In sub-section (7) of section four of the Principal Act after the word "document" there shall be inserted the words "(including policies of insurance and contracts connected therewith.)"

Amendment of No. 1962 s. 4 (7).
Secretary to sign insurance policies.

3. In paragraph (a) of sub-section (1) of section eight of the Principal Act as amended by the *Closer Settlement Act 1909* and the *Closer Settlement Act 1909* (No. 2) for the words "nine years" there shall be substituted the words "fourteen years and one month."

Amendment of No. 1962 s. 8 (1) (a) as amended by No. 2168 s. 2 and No. 2229 s. 61.

4. (1) Notwithstanding

Power to raise money extended to 31st December, 1918.

Additional powers
of Board as to
improving land.
No. 1962 s. 41.

4. (1) Notwithstanding anything contained in the Closer Settlement Acts the Board may clear drain fence or otherwise improve any land referred to in section forty-one of the Principal Act at any time after such land has been disposed of under the said Acts on conditional purchase lease but not after the end of the third year from the commencement of the term of the conditional purchase lease thereof.

Repayment of cost
of improvements
under this section.

(2) The cost incurred by the Board in clearing draining fencing or otherwise improving any such land under the powers conferred by this section shall be charged to the lessee and shall in the discretion of the Board be repaid by the lessee in one sum or in not more than forty equal half-yearly instalments with interest thereon at the rate of Five pounds per centum per annum and until paid such instalments shall be a charge on the land and the lessee's interest therein.

(3) In this section and in section forty-one of the Principal Act the power to clear drain fence or otherwise improve land shall include the power to grade or to sow or to plant the land or to erect buildings thereon.

Retrospective
operation.

(4) This section shall be deemed to have come into operation on the thirty-first day of December One thousand nine hundred and nine.

Amendment of
No. 1962 s. 43.

5. (1) In sub-section (1) of section forty-three of the Principal Act—

Workmen's homes
allotments
increased.

(a) in paragraph (b) for the words "One hundred pounds" there shall be substituted the words "Two hundred and fifty pounds."

Agricultural
labourers' allot-
ments increased.

(b) in paragraph (c) for the words "Two hundred pounds" there shall be substituted the words "Three hundred and fifty pounds."

Retrospective
operation.

(2) This section shall be deemed to have come into operation on the thirty-first day of December One thousand nine hundred and nine.

Amendment of
No. 1962 s. 46.

Altering
disqualification for
taking up con-
ditional purchase
lease.

6. (1) In section forty-six of the Principal Act for the words "One thousand five hundred pounds" there shall be substituted the words "Two thousand five hundred pounds."

(2) This section shall be deemed to have come into operation on the thirty-first day of December One thousand nine hundred and nine.

Retrospective
operation.

Amendment of
No. 1962 s. 49 as
amended by
No. 2229 s. 70.

Power to suspend
personal residence
condition for first
three years of
lease.

7. (1) At the end of paragraph (3) of section forty-nine of the Principal Act as amended by section seventy of the *Closer Settlement Act* 1909 (No. 2) there shall after the word "allotment" be inserted the following words:—"or during the first three years of the term of the lease the condition as to residence shall be deemed to be complied with by the lessee for such period or periods as may be specified by the Board during which some person named by the lessee and approved by the Board prior to commencement of his residence resides on such allotment."

(2) At

(2) At the end of paragraph (4) of the said section there shall be inserted the following words:—"or a condition that if the lessee obtains permission in pursuance of the next preceding paragraph for some person to reside in his stead the lessee shall on the land demised make substantial and permanent improvements to the value of ten per centum of the purchase money during the first year and to the increased value of five per centum of the purchase money during the second year and to the further increased value of five per centum of the purchase money during the third year and to the total value of thirty per centum of the purchase money before the end of the sixth year of the term of the lease."

(3) Where however the Minister is of opinion that an approved applicant for an allotment of land or a lessee is for any cause (deemed by the Minister to be sufficient) not likely to be able or is unable to effect improvements as set forth in the next preceding sub-section he may direct the Board to waive the insertion of or to modify the condition in the said sub-section provided that the requirements of paragraph (4) of section forty-nine of the Principal Act are duly observed in every case.

8. If any instalment of any advance or charge made by the Board is not paid on the due date or within thirty days thereafter interest on such instalment shall be paid by the borrower at the rate of Five pounds per centum per annum from the date on which it became due to the date on which it is paid.

Interest to be charged on arrears of instalments.
No. 1962 s. 52.
No. 2067 s. 9.
No. 2128 s. 4.
No. 2229 s. 89.

9. In sub-section (2) of section fifty-four of the Principal Act after the word "interest" there shall be inserted the words "or any advances or charges and interest."

Amendment of No. 1962 s. 54.
Repayment of loans before due date.

10. (1) At the end of paragraph (a) of section fifty-seven of the Principal Act as amended by section ten of the *Closer Settlement Act* 1906 and by section four of the *Closer Settlement Act* 1909 there shall after the word "reserves" be inserted the words "or for any public purpose."

Amendment of No. 1962 s. 57 as amended by No. 2067 s. 10 and No. 2168 s. 4.

(2) At the end of the said section there shall be inserted the following paragraphs:—

Power to sell small areas.

"(e) The land so sold in fee simple shall not be used for any purpose other than that for which it is sold without the consent of the Governor in Council ;

Restrictions on sale.

(f) The land shall not be subdivided except in accordance with a design approved by the Board, and in the event of the owner and the Board not agreeing to a design the Board shall be at liberty to re-purchase such land at the price at which it was sold by the Governor in Council ;

Subdivision.

(g) The

Conditions of grant.

(g) The Crown grant of any such land shall be subject to such restrictions conditions and reservations as to subdivision transfer use and re-purchase as the Governor in Council thinks fit."

Amendment of
No. 1962 s. 62
as amended by
No. 2067 s. 13,
No. 2229 s. 75.

11. In section sixty-two of the Principal Act as amended by section thirteen of the *Closer Settlement Act* 1906 and by section seventy-five of the *Closer Settlement Act* 1909 (No. 2)—

Payment for
homestead.

(a) at the end of sub-section (2) after the word "allotment" there shall be deemed to have been inserted as from the thirty-first day of December One thousand nine hundred and nine the following words :—" or in the discretion of the Board the value of such buildings and improvements may be paid for separately by the lessee in one sum or in not more than forty equal half-yearly instalments with interest thereon at the rate of Five pounds per centum per annum."

Retrospective
operation.

Private sale of farm
allotments.

(b) in sub-section (4) before the words "by private sale at the discretion of the Board" there shall be inserted the words "with the consent of the Governor in Council."

Amendment of
No. 1962 s. 69.
Substituted
residence.

12. In section sixty-nine of the Principal Act after the word "family" there shall be inserted the words "or any person approved by the Governor in Council."

Rectification of
No. 1962 s. 70 (11).
Crown grant or lease
to describe lands.

13. In sub-section (11) of section seventy of the Principal Act after the word "allotment" where it first occurs there shall be inserted the words "disposed of under the *Closer Settlement Acts*."

Amendments of the Closer Settlement Act 1909 (No. 2).

Amendment of
No. 2229 s. 27.

14. At the end of section twenty-seven of the *Closer Settlement Act* 1909 (No. 2) there shall be added the following new sub-section :—

Compensation—how
estimated.
No. 2284.

"(3) In determining the compensation under this Act the valuation of the land made by assessors and set forth in the valuation register for the time being in force under the *Land Tax Act* 1910 may be taken into consideration. This sub-section shall come into operation on a day to be proclaimed by the Governor in Council and notified in the *Government Gazette*, which proclamation may be made when the Governor in Council is satisfied that the valuations of land made by assessors under the *Land Tax Act* 1910 are available for adoption for the purposes of this Act."

15. Sub-section (1) of section twenty-eight of the *Closer Settlement Act* 1909 (No. 2) is hereby repealed and the following sub-section is hereby substituted therefor :—

Value of land how
estimated.
Comp. No. 2284.
Definition of
improved value.

"(1) The value of any land acquired by compulsory process shall be assessed at the sum which the land if unencumbered by any lease mortgage or other charge thereon might be expected to realize at the date on which the offer was made, if offered for sale on such reasonable terms and conditions as a *bonâ fide* seller might in ordinary circumstances

circumstances be expected to require. Provided that the capital value of land held under any lease or licence from the Crown for purposes other than mining is the value for the time being of such land after deducting such amount of the purchase money as has not for the time being become due and payable to the Crown."

16. Section seventy-nine of the *Closer Settlement Act 1909* (No. 2) is hereby repealed. Repeal of No. 2229 s. 79.

17. At the end of section eighty-eight of the *Closer Settlement Act 1909* (No. 2) there shall be inserted the following words:—
 "The Board may cause the prescribed form of charge to secure an advance of wire netting to be registered at the Office of Titles on the lease of any lessee who has obtained or may obtain an advance of wire netting under the power contained in this section and the Registrar of Titles may register such charge."
Amendment of No. 2229 s. 88.
Registration of charge for wire netting advance.
See No. 2181 s. 9.
Comp. No. 2128 s. 5.

18. (1) For sub-section (1) of section eighty-nine of the *Closer Settlement Act 1909* (No. 2) there shall be substituted the following sub-section:—
Amendment of No. 2229 s. 89.

"(1) (i.) The amount of any advance which may be made by the Board under the *Closer Settlement Acts* in respect of any allotment the lease of which has been current for less than six years—
Limit of advances on improvements.

(a) shall not exceed sixty per centum of the value of the improvements on the allotment, and

(b) may on the certificate of a bailiff of Crown lands or any officer thereto authorized by the Board be advanced in progress payments as the work for which the advance is intended progresses.

(ii.) For the purposes of determining the amount of any advance that may be made the value of the improvements effected on the allotment shall be reduced by the amount (if any) owing to the Board for any house and outbuildings or other improvements erected or made thereon by the Board or any amount advanced by and owing to the Board for the erection of a house and outbuildings or the making of other improvements on such allotment."
Deduction from valuation.

(2) In sub-section (2) of the said section for the words "fifteen years" there shall be substituted the words "twenty years."
Time for payment of loan extended.

(3) The Board may make an advance bearing interest at the rate of Five pounds per centum per annum to any lessee of a farm allotment on the security of his stock and such advance may be secured by a mortgage of stock under the *Instruments Act 1890* and such mortgage may be given to the Board as if the Board were a private person.
Advances on stock.
No. 1103, Pt. VIII.
No. 2252.

(4) The

Maximum limit of all advances and loans.

(4) The total amount of all advances which may be made by the Board under the Closer Settlement Acts in respect of any allotment and the lessee thereof (inclusive of any advances made by the Board under the *Wire Netting Act* 1909 or on the security of stock) shall in no case exceed the sum of Five hundred pounds.

Advances to lessees after six years and grantees.

19. (1) Where any lessee of an allotment under the Closer Settlement Acts the lease of which has been current for not less than six years has obtained his compliance certificate or where any person has obtained a Crown grant of an allotment under the said Acts or is the owner for the time being thereof the Board may notwithstanding anything contained in the Closer Settlement Acts make an advance as hereinafter provided to such lessee or person not exceeding in any one case One thousand pounds and bearing interest payable half-yearly at the rate of Five pounds per centum per annum.

Limitation of amount of advance.

(2) The amount of any advance which may be made by the Board under this section in respect of any allotment shall not exceed sixty per centum of the value of the improvements thereon and sixty per centum of the total amount of the purchase money or principal paid in respect of such allotment.

Deductions to be made in determining amount of advance.

(3) For the purpose of determining the amount of any advance under this section there shall be deducted from the value of the improvements and the total amount of the purchase money or principal paid any amounts advanced by and owing to the Board.

Limit of total advances.

(4) The total amount of all advances which may be made by the Board in pursuance of this section shall not exceed at any time One hundred thousand pounds.

Security for advances.

(5) Advances made under this section may be secured by mortgages under the *Transfer of Land Act* 1890.

Non-compliance with residence condition when allotment mortgaged.

20. (1) Where an allotment under the Closer Settlement Acts is mortgaged under a registered mortgage under the *Transfer of Land Act* 1890 the grant or lease of such allotment shall not be forfeited by the Governor in Council for non-compliance with the residence condition thereof if the mortgagee within two years of being notified by the Board in writing by a registered letter directed to his address appearing in the register book that the residence condition of such grant or lease has not been complied with requires the moneys secured by such mortgage to be repaid and upon repayment discharges the land so mortgaged from such moneys or failing the repayment thereof sells and transfers the allotment so mortgaged to some person entitled to hold the same.

Effect of non-compliance with covenants or conditions of grant or lease.

(2) In every such mortgage of any such allotment there shall be implied a covenant with the mortgagee and his transferees by the mortgagor binding the latter and his heirs executors administrators and transferees that he or they will comply with the covenants and conditions of the grant or conditional purchase lease of any such allotment

allotment and any default in the performance or observance of such covenants and conditions shall have the like consequences as if such default were a default made in payment of the principal sum or interest.

Miscellaneous.

21. When the conditional purchase lease of any allotment under the Closer Settlement Acts has been or is surrendered forfeited or declared void and the land thereby demised is again disposed of under conditional purchase lease and the value of the improvements on such land is made payable in one sum or by instalments by the incoming lessee the whole or any part of such value may if the Board thinks fit be paid by the Board to the person who immediately prior to such surrender forfeiture or avoidance held such allotment under conditional purchase lease or to such other person or persons as appear to the Board to be entitled thereto.

When demised land forfeited improvements chargeable to incoming lessee payable to outgoing lessee or person entitled.

22. (1) Notwithstanding anything contained in the Closer Settlement Acts where a conditional purchase lease of an allotment is liable during the first six years of the term thereof to be declared void by reason only of non-compliance with the condition of residence by the lessee the Governor in Council on the recommendation of the Board may without avoiding the lease—

Provision for surrender of lease voidable for non-compliance with residence condition only.

- (a) accept the surrender thereof and issue a new lease of the allotment to the lessee;
- (b) ante-date the new lease so as to cover the period of residence under the surrendered lease; and
- (c) credit the lessee in respect of the new lease with such portion as the Governor in Council thinks fit of the payments made under the surrendered lease.

(2) The Board shall not make a recommendation under this section unless it has satisfied itself by inquiry that—

- (a) the covenants and conditions of the lease other than the condition of residence have been complied with;
- (b) the lessee has *bonâ fide* resided on the allotment for a substantial portion of the period prescribed in the said condition of residence; and
- (c) there were special reasons for the lessee's failure to fully comply with the condition of residence.

23. Every conditional purchase lessee and every holder of a permit under the Closer Settlement Acts whose lease or permit (as the case may be) was issued before or is issued after the commencement of this Act and every other person to whom the Board has made or makes an advance shall if so required effect an insurance on his buildings (including materials on the allotment intended for the completion of the buildings) and fences (including fencing material on the allotment intended for the completion of the fences) with the Board.

Lessees and others to insure with Board.

24. (1) Notwithstanding

Power to workman or agricultural labourer to transfer mortgage or sublet his allotment.

See No. 1962 s. 49 (6).

See No. 1962 ss. 50, 51 and No. 2229 s. 72 (f).

Lessee not required to reside when allotment is sublet.

Private sale of land unsold at auction. Cf. No. 1962 s. 60.

Residence on Crown lands in certain cases to be deemed residence on land held under Closer Settlement Acts.

Restrictions on purchase or transfer of township allotments.

Cf. No. 1962 ss. 56, 60.

24. (1) Notwithstanding anything contained in the Closer Settlement Acts or in the conditional purchase lease of a workman's home allotment or agricultural labourer's allotment the lessee of any such allotment may at any time during the first six years of the term of his lease with the consent of the Board—

(a) transfer or assign his allotment to a person eligible to hold such an allotment ; or

(b) mortgage his allotment ; or

(c) sublet his allotment from time to time for a period not exceeding twelve months to a person eligible to hold such an allotment and during such period shall not be required to reside on his allotment.

(2) Where in any case after the first six years of the term of his lease the lessee of a farm allotment workman's home allotment or agricultural labourer's allotment with the consent of the Board sublets his allotment the lessee shall not during the time his allotment is so sublet be required to reside on his allotment.

25. Where any land acquired by the Crown for closer settlement is at any time—

(a) put up for sale by public auction and is not sold thereat ; or

(b) purchased at sale by auction at the upset or any higher price and forfeited for the non-payment of any instalment of the purchase money therefor

such land for a period not exceeding three months from the date of any such sale by auction or forfeiture (as the case may be) shall unless the Board in the meantime directs it to be again offered for sale by auction be open for private sale if the Board thinks fit to the first applicant at the upset price or higher price (as the case may be).

26. Notwithstanding anything contained in the Closer Settlement Acts where any Crown land in the reclaimed area known as the Condah Swamp is held and used by any person under the Land Acts in connexion with land acquired by the same person for closer settlement purposes residence on the former by such person shall be deemed to be compliance with the residence condition of his conditional purchase lease under the Closer Settlement Acts.

27. (1) No person shall purchase at auction or otherwise acquire the fee simple of more than two allotments of any land acquired by the Crown for closer settlement and proclaimed a township under the Land Acts.

(2) The Crown grant of every allotment so purchased or acquired shall be subject to such conditions reservations and restrictions as to transfer as the Governor in Council thinks fit.

28. (1) Notwithstanding

28. (1) Notwithstanding anything contained in any Act where any road or part of road which has been provided by the Board out of land acquired for closer settlement purposes or for small holdings is unused and unmade and in the opinion of the Lands Purchase and Management Board is not further required the Governor in Council may with the consent of the council of the municipal district in which such road or part thereof is situate and of the owners (if any) of any land adjoining the said road or part by Order published in the *Government Gazette* close the said road or part.

Power to close road
in estates.

(2) Upon the publication of such Order in Council the land forming the road or part of such road referred to in such Order 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 in the public or by any body or person whatsoever or whomsoever shall cease and determine and the said land shall be deemed to be and may for the purposes of closer settlement be dealt with as unalienated land of the Crown.

29. (1) Notwithstanding anything contained in the Closer Settlement Acts the Board may subject to this section grant an additional area of land to any lessee of an allotment and may issue a conditional purchase lease for such area or may allow any lessee to acquire by transfer a conditional purchase lease of an allotment.

How additional
land obtainable by
lessee.

(2) The original allotment and additional area as aforesaid shall be situated on one estate or on adjacent estates and shall for the purposes of sections forty-seven forty-nine sixty-nine and seventy of the Principal Act be deemed to be one allotment.

(3) The total area comprised in the original allotment and additional land demised or granted to or held by any person shall not—

- (a) in the case of a homestead allotment exceed Four thousand pounds in value exclusive of the homestead ;
- (b) in the case of a farm allotment exceed Two thousand five hundred pounds in value exclusive of all improvements and buildings ;
- (c) in the case of a workman's home allotment exceed Two hundred and fifty pounds in value ; or
- (d) in the case of an agricultural labourer's allotment exceed Three hundred and fifty pounds in value.

30. (1) Notwithstanding anything contained in the *Wire Netting Act* 1909 or in any other Act the Board may supply wire netting for erection on the boundary lines of allotments held under conditional purchase leases.

Wire netting for
boundary fences.
No. 2181.

(2) The cost of such wire netting shall be apportioned by the Board to the allotments benefited thereby and shall with interest thereon at the rate of Five pounds per centum per annum be paid by the lessees

of

of the respective allotments in not more than fourteen half-yearly instalments and until paid such cost and interest shall be a charge on the respective allotments and the lessees' interests therein.

Power to State Rivers and Water Supply Commission to acquire and dispose of lands for closer settlement purposes.

No. 2016 s. 28.

Extent of application of this section.

No. 2016 ss. 50-55.

Transfer of administration of certain lands acquired before passing of this Act.

Effect of transfer.

31. (1) Notwithstanding anything contained in any Act all powers duties and authorities conferred on the Lands Purchase and Management Board or any officer under the Closer Settlement Acts shall subject to and by virtue of this section and subject to such limitations and restrictions as the Minister may from time to time in writing direct be transferred to and exercised by the State Rivers and Water Supply Commission as constituted by the *Water Act* 1905, and the provisions of the Closer Settlement Acts shall with the necessary additions and modifications be read and construed accordingly.

(2) The powers duties and authorities conferred by this section shall apply only to land which in the opinion of the Minister and the said Commission is suitable for closer settlement under irrigation conditions and which is situate or is likely to be situate within an Irrigation and Water Supply District within the meaning of the *Water Act* 1905 and has been so declared by notice signed by the Minister and the said Commission and published in the *Government Gazette*.

(3) (a) If the Minister and the said Commission are of opinion that any land or any part of any land (including land held under conditional purchase lease) acquired before the commencement of this Act by the Crown or the Lands Purchase and Management Board is suitable for settlement only under irrigation conditions and is situate or is likely to be situate within an Irrigation and Water Supply District within the meaning of the *Water Act* 1905 the Minister may by Order in writing published in the *Government Gazette* transfer subject to such limitations and restrictions as he may from time to time in writing direct the control and administration of such land or any such part to the said Commission.

(b) From and after the making of such Order the land mentioned in such Order shall be controlled and administered accordingly by the said Commission pursuant to the provisions of the Closer Settlement Acts, and all powers duties and authorities of the Lands Purchase and Management Board in regard to such land shall subject to such limitations and restrictions as the Minister may from time to time in writing direct be transferred to and exercised by the said Commission.

(4) Notwithstanding

(4) Notwithstanding anything contained in this section every conditional purchase lease of land acquired or administered by the said Commission shall be issued by the Governor in Council, and such lease shall during the first six years of the term thereof be read and construed as if for the word "Board" therein there had been substituted the words "State Rivers and Water Supply Commission," and after the said first six years the word "Board" therein shall mean and refer to the Lands Purchase and Management Board.

Leases to be issued by the Governor in Council.

(5) No advances under the Closer Settlement Acts or any other Act shall be made by the said Commission to any conditional purchase lessee of such land after the expiration of a period of six years from the date of his lease and from and after the expiration of such period all powers duties and authorities of the said Commission in respect to such lessee and such lease and the land comprised in such lease shall cease and determine.

Advances not to be made by Commission after first six years of lease.

(6) If any question arises as to whether any specified powers duties authorities or liabilities are by virtue of this section or any direction of the Minister transferred to the said Commission or as to the extent or meaning of any limitations or restrictions imposed either in regard to the said Board or the said Commission such question shall be conclusively determined in writing by the Minister.

Questions to be decided by Minister.

(7) The word "Minister" in this section shall mean the Minister for the time being administering the Closer Settlement Acts.

"Minister."

(8) The Governor in Council may make regulations which are necessary or convenient for carrying out the objects of or giving effect to this section.

Regulations.

(9) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if not then within fourteen days after the next meeting of Parliament.

32. (1) Every officer in the Public Service employed in any duties under the Closer Settlement Acts who after the commencement of this Act—

Penalty on officers employed by the Board exacting fee or being interested in contracts or in land.

(a) exacts or accepts on account of anything done by virtue of such employment or in relation to any matters to be done thereunder any fee or reward whatsoever other than the salary or allowance by way of salary allowed in connexion with such employment ; or

(b) is in anywise concerned or interested in any bargain or contract made by or on behalf of the Board or in anywise participates or claims to participate in the profit thereof or in any benefit emolument or commission arising from the same ; or

(c) without

(c) without the consent of the Governor in Council becomes (whether directly or indirectly) the owner in fee simple of or the licensee or lessee from the Board of any land under the Closer Settlement Acts or acquires any interest in any such land

shall thereby cease to be an officer of the Public Service and to be so employed and shall be liable on conviction to a penalty not exceeding One hundred pounds.

Exemptions.

(2) Notwithstanding anything contained in this section no such officer shall be liable to forfeiture of office or employment or to a penalty by reason only of becoming such owner in fee simple of or lessee or licensee of any land under the Closer Settlement Acts by or under any will or as one of the next of kin of any deceased person or by reason of any estate or interest in expectancy falling into possession or by survivorship or by reason only of his becoming an administrator or trustee of the estate of or an executor or trustee under the will of any person deceased or by reason only of his furnishing a guarantee to the Board that any member of his family who may become a conditional purchase lessee shall comply with the conditions of his lease or of his financially assisting any such member to comply with any such conditions.

Other liabilities.

(3) Nothing in this section shall diminish or affect any liability civil or criminal under any law for the time being in force of any such officer so employed.

Repeal of No. 2309.

33. The *Closer Settlement Act 1910* is hereby repealed.

Option to obtain grant at end of twelve years of currency of lease.

34. Notwithstanding anything contained in the *Murray Settlements Act 1907* as amended by the *Land Act 1911* every conditional purchase lessee under the *Murray Settlements Act 1907* who at any time after the expiration of twelve years from the date of his lease satisfies the Minister that all the covenants and conditions thereof have been complied with and that the fencing and improvements have been maintained shall be entitled to obtain a Crown grant of the land comprised in his holding on payment of the full purchase money thereof.

Amendment of No. 2123 s 11.

35. (1) At the end of paragraph (3) of section eleven of the *Murray Settlements Act 1907* there shall be inserted the following words:—“or during the first three years of the term of the lease the condition as to residence shall be deemed to be complied with for such period or periods as may be specified by the Minister during which some person named by the lessee and approved by the Minister prior to commencement of his residence resides on such allotment.”

(2) At

(2) At the end of paragraph (4) of the said section there shall be inserted the following words :—“or a condition that if the lessee obtains permission in pursuance of the next preceding paragraph for some person to reside in his stead the lessee shall on the land demised make substantial and permanent improvements to the value of Eighty-three pounds six shillings and eightpence during the first year and to the increased value of Forty-one pounds thirteen shillings and fourpence during the second year and to the further increased value of Forty-one pounds thirteen shillings and fourpence during the third year, in addition to the planting or cultivation provided by the said paragraph (4) of the said section.”

(3) Where however the Minister is of opinion that an approved applicant for an allotment of land or a lessee is for any cause deemed by the Minister to be sufficient not likely to be able or is unable to effect improvements as set forth in the next preceding sub-section he may waive the insertion of or modify the condition in such sub-section provided that the requirements of paragraph (4) of section eleven of the *Murray Settlements Act 1907* are duly observed in every case.

36. In paragraph (f) of sub-section (2) of section eleven of the Principal Act after the word “lessees” there shall be inserted the words “and grantees and owners for the time being of allotments.”

Amendment of
No. 1982 s. 11.

37. In sub-section (2) of section seventeen of the Principal Act after the word “owner” there shall be inserted the words “or lessee.”

Ib. s. 17.

38. In paragraph (a) of section eighty-six of the *Closer Settlement Act 1909* (No. 2) after the words and figures “*Land Act 1901*” where they occur the second time there shall be added the words “and perpetual lessees under the Land Acts.”

Amendment of
No. 2229 s. 86.
Loans to perpetual
lessees.

39. (1) Where an approved applicant for a farm allotment who is not under twenty-one nor over twenty-five years of age satisfies the Board by such evidence as it may require that he—

Special provision
for applicant being
qualified student of
Agricultural
College &c.

(a) has obtained a degree diploma or certificate in agriculture at the Melbourne University or at a State Agricultural College or at a State Agricultural High School ; or

(b) possesses a certificate granted by a committee appointed by the Governor in Council of having completed to its satisfaction a course of instruction in agriculture at a State farm or farm approved by the committee ;

and that he has had not less than three years' practical experience in agriculture the Governor in Council may, if he thinks fit, on the recommendation of the Board postpone for a period not exceeding three years the commencement of the payment of instalments of purchase money and interest under the conditional purchase lease of such allotment.

(2) For

Definition.

(2) For the purposes of this section "experience in agriculture" includes experience in horticultural viticultural pastoral dairying or general farm work.

Extension of lease.

(3) Where the commencement of the payment of instalments of purchase money and interest is so postponed the lease shall provide for the payment of interest on the value of the allotment for the period during which such payments as aforesaid were postponed and also for the payment of the value of the allotment and interest thereon at the rate fixed in section forty-eight of the Principal Act by sixty-seven half-yearly instalments or such lesser number as may be agreed upon.

Saving.

(4) This section shall not affect any covenant or condition in the lease of the allotment other than the covenants and conditions relating to the payment of instalments of purchase money and interest.

Regulations.

(5) The Governor in Council may pursuant to the provisions of the Principal Act make regulations which are necessary or convenient for giving effect to this section.

Amendment of
No. 2229 s. 31.

40. In sub-section (1) of section thirty-one of the *Closer Settlement Act 1909* (No. 2) for the word "sixty" there shall be substituted the word "thirty."

Amendment of
No. 1962 s. 25.

41. For sub-section (1) of section twenty-five of the *Closer Settlement Act 1909* (No. 2) there shall be substituted the following sub-section:—

"(1) At any time within fifteen days if the owner is in the Commonwealth of Australia or within one hundred and twenty days in any other case after the service on him of a copy of the notification declaring that any land has been acquired under this Act the owner of an estate in possession the whole or any part of which is proposed to be taken compulsorily shall, notwithstanding anything contained in the Closer Settlement Acts on giving to the Board a written claim have the right to select and retain out of the estate for the purposes of residence or business land the unimproved value of which does not exceed Six thousand pounds unless the Judge by whom the claim for compensation is fixed or to whom is referred any dispute as to the total unimproved value of land which may be retained by the owner as herein provided determines (and the Judge is hereby given power to so determine at the time of fixing the compensation or of such reference as aforesaid) a larger sum than Six thousand pounds but not exceeding Ten thousand pounds—

(a) For the purposes of this section the words 'unimproved value' mean the sum which the owner's estate or interest therein, if unencumbered by any mortgage or other charge thereon, might in ordinary circumstances be expected to realize at the time of valuation if offered for sale on such reasonable terms and conditions as a *bonâ fide* seller might

might be expected to require and assuming that the improvements (if any) had not been made provided that the unimproved capital value of land held under any lease or licence from the Crown for purposes other than mining is the unimproved value for the time being of such land after deducting such amount of the purchase money as has not for the time being become due and payable to the Crown:

- (b) The land so to be selected and retained shall be land situate around the homestead (if any) and shall be in such form and shape as will conform with the survey regulations under the *Land Act 1901.*"

MELBOURNE:

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