

No. 2987.

An Act to amend the *Closer Settlement Act 1915* and for other purposes.

[31st December, 1918.]

**B**E 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 1918* and shall be read and construed as one with the *Closer Settlement Act 1915* (hereinafter called the Principal Act) and the Act amending the same which Acts and this Act may be cited together as the Closer Settlement Acts.

Short title  
construction  
and citation.

Nos. 2629, 2948

2. (1) On and after the commencement of this Act the Lands Purchase and Management Board shall have as its corporate name the Closer Settlement Board.

Change of  
name of  
the Board.

(2) The said Board notwithstanding the change in its name shall be and be deemed to be the same corporation before and after such change and no act matter or thing and no action or proceeding shall be affected or abated thereby.

Corporation to  
remain  
unchanged.

(3) In

Amendment  
of No. 2629 s. 3.

(3) In section three of the Principal Act for the interpretation of "Board" there shall be substituted—

“ ‘ Board ’ means the Closer Settlement Board.”

Amendment of  
No. 2629 s. 4.

(4) Section four of the Principal Act is hereby amended as follows :—

In sub-section (2) for the words "Lands Purchase and Management Board" there shall be substituted the words "Closer Settlement Board."

References to  
the Board in  
Acts &c.

(5) In the Principal Act and in any other Act and in any document any reference to the said corporation under the name of the Lands Purchase and Management Board shall (unless inconsistent with the context or subject-matter) be deemed and taken to refer to the said corporation under the name of the Closer Settlement Board.

Power to employ  
land valuers.

3. (1) The Governor in Council may appoint so many competent persons (not exceeding five) as are necessary to be land valuers under the Board at such remuneration not exceeding the rate of Six hundred pounds a year to each of such persons as the Governor in Council prior to the appointment determines and upon such terms and conditions (whether as to tenure or otherwise) as the Governor in Council thinks fit.

Non-application  
of Public  
Service Acts.

(2) Notwithstanding anything in the Closer Settlement Acts the Public Service Acts shall not apply to any land valuer appointed under this section if the Governor in Council upon the recommendation of the Public Service Commissioner declares generally or specially that the said Acts shall not so apply ; and in any such case for the purposes of section twenty-six of the Principal Act any such land valuer shall be deemed not to be a member of the public service.

Appointments  
before Act.

(3) The appointment of any land valuer under the Board made or purporting to have been made before the commencement of this Act shall be deemed to have been duly made under this section.

Saving of rights  
of officers of  
public service  
appointed as  
land valuers  
under the  
Board.

Comp. No. 2948  
s. 2.

(4) Notwithstanding anything in any Act any land valuer employed by the Board who immediately before the date of his appointment as such land valuer was an officer of the public service shall on ceasing to be a land valuer under the Board be eligible on the recommendation of the Public Service Commissioner to be appointed

to

to an office in the public service with a classification and emolument corresponding with or higher than that which he held in the public service immediately before the said date as if the period of his service as a land valuer under the Board had been service in the public service.

4. (1) For sub-section (4) of section ten of the Principal Act there shall be substituted the following sub-section :—

Amendment of  
No. 2629 s. 10.

“(4) Notwithstanding anything in this section—

(a) every conditional purchase lease of land acquired or administered by the said Commission shall be issued by the Governor in Council ;

Leases to be  
issued by the  
Governor in  
Council.

(b) in every such lease issued after the commencement of the *Closer Settlement Act* 1918 references to the said Commission shall be substituted for references to the Board ; and

Leases hereafter  
issued.

(c) every such lease issued before the commencement of the *Closer Settlement Act* 1918 (whether the first six years of the lease have been completed or not) shall be read and construed as if for any references therein to the Board there were substituted references to the said Commission.”

Leases  
heretofore  
issued.

(2) Sub-section (5) of the said section ten is hereby repealed.

Advances by  
and powers &c.  
of Commission  
during whole  
term of lease.

5. (1) In paragraph (a) of sub-section (1) of section eleven of the Principal Act for the words “One thousand nine hundred and nineteen” there shall be substituted the words “One thousand nine hundred and twenty-two.”

Amendment of  
No. 2629 s. 11.  
Extension of  
borrowing  
powers till 1922.

(2) For sub-section (2) of section eleven of the Principal Act there shall be substituted the following sub-section :—

Purposes to  
which money  
may be applied.  
Comp. No. 2916  
s. 29.

“(2) The proceeds of the sale of the said stock or of the said debentures shall be issued and applied only for and towards the following purposes, namely :—

(a) The payment of purchase money and compensation for land (whether private land or land held under lease from the Crown) acquired by the Board under this Act or any corresponding previous enactment and which Crown land has been

been

been disposed of pursuant to this Act and also all costs incidental to the acquiring and disposing of any such land ;

- (b) The survey subdivision clearing draining grading preparing for irrigation sowing planting fencing or improving of such land or the making or improving of roads or access thereto or the erection of dwelling houses or outbuildings or the making of improvements thereon ;
- (c) Making advances under this Act ; and
- (d) The purchasing of building or fencing materials implements live stock (including pigs and poultry) seeds plants trees and such other things as the Board thinks necessary for carrying out the purposes of this Act "

6. At the end of sub-section (2) of section fourteen of the Principal Act there shall be inserted the following new paragraph :—

“; and

- (g) the payment for building or fencing materials implements live stock (including pigs and poultry) seeds plants trees and such other things as the Board thinks necessary for carrying out the purposes of this Act.”

7. Section fifteen of the Principal Act is hereby amended as follows :—

- (a) At the end of sub-section (1) there shall be inserted the words “or to be invested in Victorian Government stock or debentures issued under the *Discharged Soldiers Settlement Act 1917.*”
- (b) In sub-section (2) after the words “On the transfer of any such” there shall be inserted the word “first-mentioned.”

8. At the end of section twenty of the Principal Act there shall be inserted the following sub-section :—

“(4) Before the acquisition of any land the subject of any agreement under this section the Board shall apply to the Commissioner of Taxes for a certified copy of any return furnished to him pursuant to the Land Tax Acts by the owner of such land and, notwithstanding anything in the said Acts, the Commissioner of Taxes is hereby authorized to supply such certified copy accordingly.”

9. (1) The

Amendment of  
No. 2629 s. 14.

Application of  
The Closer  
Settlements  
Fund.

Comp. No. 2916  
s. 9.

Amendment of  
No. 2629 s. 15.

Investment of  
amounts to the  
credit of  
The Closer  
Settlements  
Fund.

See No. 2916  
s. 26.

Amendment of  
No. 2629 s. 20.

Commissioner of  
Taxes to supply  
copies of owners'  
land tax returns  
of value.

Comp. No. 2916  
s. 24.

9. (1) The provisions of sections nineteen and twenty of the Principal Act shall extend and apply so as to authorize the Board for the purposes of closer settlement to acquire and take for the Crown any land held under lease from the Crown whether such lease is or is not a conditional purchase lease and whether it is under the Closer Settlement Acts or any other Act.

Power to acquire for closer settlement purposes land held under lease from the Crown. No. 2629 ss. 19, 20.

(2) Upon such acquisition and taking such lease shall be deemed to be surrendered and shall have no further force or effect and the land shall revert to the Crown and may be dealt with in all respects as private land acquired and taken for the Crown for purposes of closer settlement may be dealt with.

(3) For the purposes of this section—

(a) the said provisions and all other provisions of the Closer Settlement Acts (including section thirty-nine of the Principal Act) as to the acquiring and taking of private land for the purposes of closer settlement and as to private land so acquired and taken and as to the payment of compensation therefor shall so far as applicable and with all such alterations modifications and substitutions as are necessary be read and construed accordingly ; and

(b) in particular (where the context so requires) any reference in any provision aforesaid to the owner of land shall be deemed to refer to the lessee from the Crown, and any reference to land or to the value of land shall be deemed and taken to refer to the estate or interest of the lessee in the land and to the value of his estate or interest therein.

(4) The provisions of section thirteen of the Principal Act shall extend and apply to land held under lease from the Crown which is acquired and taken as aforesaid and disposed of under the Closer Settlement Acts so far only as relates to the amount of any payments by the lessee in respect of such land that would have accrued to the consolidated revenue if such land had not been so acquired and taken.

Ib. s. 13.

(5) The provisions of the *Public Account Advances Act* 1910 shall take effect as if in paragraph (a) of section two thereof for the words "private lands" there were substituted the words "land (whether private land or land held under lease from the Crown)."

Application of No. 2277.

Amendment of  
No. 2629 s. 22.  
Inspection of  
land prior to  
acquisition.

10. (1) In section twenty-two of the Principal Act after the words "an officer of the public service" there shall be inserted the words "or any other competent person"; and in section twenty-three thereof after the word "officer" there shall be inserted the words "or any other competent person."

Consequential  
amendments.  
No. 2629 s. 24.

(2) In section twenty-four of the Principal Act after the word "officer" (wherever occurring) there shall be inserted the words "or person."

Ib. s. 25.

(3) In section twenty-five of the Principal Act after the word "officer's" there shall be inserted the words "or person's."

Ib. s. 26.

(4) In sub-section (3) of section twenty-six of the Principal Act after the words "public service" there shall be inserted the words "or any other officers or persons referred to in sections twenty-two or twenty-three hereof."

Amendment of  
No. 2629 s. 35.

11. (1) For sub-section (1) of section thirty-five of the Principal Act there shall be substituted the following sub-section:—

Power of  
Governor in  
Council to direct  
compulsory  
acquisition of  
land.

Comp. No. 2016  
s. 23 (2).

"(1) Where in pursuance of the Closer Settlement Acts an offer to purchase any land for the Crown has been made to the owner thereof by the Board and has not been accepted by such owner within the time notified by the Board to such owner the Governor in Council may direct that the whole or any part of the land may be acquired by the Board from the owner by compulsory process."

(2) At the end of section thirty-five of the Principal Act there shall be inserted the following sub-sections:—

Copy of  
notification of  
acquisition to  
be laid before  
Parliament.

"(3) A copy of the notification shall be laid before both Houses of Parliament within fourteen days after the publication thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament:

Appeal against  
compulsory  
acquisition.

Provided that—

(a) within the time notified by the Board to the owner as aforesaid the owner may serve upon the Board and upon the President of the Legislative Council and the Speaker of the Legislative Assembly a notice in writing of intention to appeal forthwith to a special appeal board constituted as hereinafter provided against the proposed compulsory acquisition of the said land upon the ground that the  
use

use to which the said land is then being put by the owner is of such importance that the compulsory acquisition thereof for the purposes of the Closer Settlement Acts would not be to the advantage of the State ;

- (b) the Governor in Council by Order may within fourteen days after the receipt of the notice by the Closer Settlement Board or as soon thereafter as practicable constitute for the purposes of this section a special appeal board consisting of six persons, namely:—
- Constitution of special appeal board.
- (i) Three members of the Legislative Council nominated by the President of the Council ; and
- (ii) Three members of the Legislative Assembly nominated by the Speaker of the Assembly ;
- (c) the President and Speaker respectively may nominate such persons whether Parliament is or is not sitting ;
- (d) the members of the special appeal board shall appoint one of their number to be the chairman thereof, and the chairman shall have a deliberative but not a casting vote ;
- (e) the decision of the majority of a special appeal board shall prevail ;
- (f) a special appeal board so constituted—
- Powers of special appeal board.
- (i) may allow or disallow the appeal ;
- (ii) may sit at such times and places and adopt such procedure as it thinks fit ;
- (iii) may act notwithstanding the absence of the owner or any person who has been summoned to appear ; and
- (iv) may make such order as to costs as it thinks fit, and such costs may be recovered in any court of competent jurisdiction ;
- (g) if the special appeal board allows the appeal no further steps shall be taken under the Closer Settlement Acts for the compulsory acquisition of the said land for a period of at least four years after the date of the determination ; but if
- the

the said board disallows the appeal the Governor in Council may proceed forthwith to acquire the land by compulsory process in accordance with the Closer Settlement Acts; and if the said board does not determine the appeal within two months after the date of the Order constituting the said board the appeal shall be deemed to have been disallowed by the said board; and

- (h) every determination of a special appeal board shall be final and conclusive, and shall not be challenged appealed against reviewed questioned or called in question in any court on any account whatsoever:

Provided further that where an owner has given notice of intention to appeal to a special appeal board under this section the notification referred to in sub-section (2) of this section shall not be published in the *Government Gazette* unless and until the appeal is disallowed.

(4) Nothing in the Closer Settlement Acts shall be taken to authorize—

- (a) the acquisition by the Board by compulsory process of any land, whether freehold or leasehold, of an owner the unimproved value of whose land does not exceed Two thousand five hundred pounds; or
- (b) in the case of an owner of any land, whether freehold or leasehold, who is or has been engaged on war service—the acquisition by the Board from the owner by compulsory process during the period of his war service and a further period of five years after the termination thereof of any such land if held by him during the period of his war service.

(5) For the purposes of the last preceding sub-section the words 'unimproved value' have the same meaning as in paragraph (a) of sub-section (1) of section thirty-nine of this Act and an owner shall be deemed to be engaged on war service—

- (a) if during the present war he is engaged on naval or military service outside Australia with His Majesty's naval or military forces or the naval or military forces of the Commonwealth; or
- (b) if

Publication of notification of acquisition in case of appeal.

Saving as to compulsory acquisition of land not exceeding £2,500 unimproved value, or of land of owner on war service &c.  
Comp. No. 2916 s. 23 (2).

Meaning of "unimproved value."  
No. 2629 s. 39 (1) (a).

"Engaged on war service."



(b) if in connexion with the said war he is a prisoner of war in the enemy's country or is interned in the country of a neutral Power."

12. (1) Notwithstanding anything in this Act or the Principal Act before any private or leasehold land is acquired or taken for the Crown (either by agreement or compulsorily) for the purposes of the Closer Settlement Acts the Minister on receiving the report of the Board under sub-section (3) of section twenty-six of the Principal Act shall (if the value of the estate as stated in such report exceeds Ten thousand pounds) forthwith appoint three competent persons having a knowledge of land values within the area in which the land is situated (hereinafter called the "referees") not being members of the public service to report to him in writing upon the suitability or otherwise of the land for the said purposes and as to whether in their opinion the value thereof fixed by the Board is or is not reasonable and what in their opinion is the value thereof.

Report by referees in certain cases before purchase of land for purposes of the Closer Settlement Acts.

See No. 2916 s. 25.

(2) For the purposes of this section the referees or any of them may enter the land and remain thereon during daylight for such time as is necessary.

(3) The Minister shall take into consideration the report of the referees and decide whether or not it is advisable that the land shall be acquired or taken.

(4) If in any case the Minister decides that it is advisable that the land be acquired or taken but at a value less than that fixed by the Board the provisions of section twenty-seven of the Principal Act shall apply and be read and construed as if for the words "If the Minister agrees with the value so fixed by the Board" there were substituted the words "If the Minister decides that it is advisable that the land be acquired or taken but at a value less than that fixed by the Board," and as if for any other reference therein to the value fixed by the Board there were substituted a reference to the value decided upon by the Minister.

No. 2629 s. 27

(5) If in any case the Minister decides that it is advisable that any such land be acquired or taken—

(a) where the referees have reported that the land is not suitable for the said purposes; or

(b) at a value above that deemed reasonable by the referees; or

(c) at

- (c) at a value greater than the capital value as shown in the valuation register under the Land Tax Acts—

the Minister shall cause a report of his decision to be presented to both Houses of Parliament within fourteen days after the acquisition or taking of the land if Parliament is then sitting but if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Amendment of  
No. 2629 s. 39.

13. Section thirty-nine of the Principal Act is hereby amended as follows :—

Right of owner  
to select and  
retain part of  
land acquired to  
apply only to  
land on which  
there is a  
homestead.

Consequential  
amendments.

Comp. No. 2916  
s. 23.

- (a) The said section thirty-nine shall apply only to land on which there is a homestead ;

- (b) In sub-section (1) of the said section thirty-nine—

- (i) after the words “taken compulsorily” there shall be inserted the words “and on which there is a homestead” ;

- (ii) after the words “for the purposes of residence or business land” there shall be inserted the words “(comprising the homestead)” ; and

- (iii) after the word “homestead” the words “(if any)” are hereby repealed.

Amendment of  
No. 2629 s. 75.

Determination  
of value of  
Crown land to  
be disposed of  
under Closer  
Settlement  
Acts.

14. At the end of section seventy-five of the Principal Act there shall be inserted the following sub-section :—

“(3) The value of any such unalienated and unoccupied Crown land may be determined by the Governor in Council before the same is disposed of.”

Amendment of  
No. 2629 s. 78.

Power of Board  
to improve land  
and to purchase  
materials  
implements live  
stock &c.

15. Section seventy-eight of the Principal Act is hereby amended as follows :—

- (a) In sub-section (2)—

- (i) after the words “The Board may” there shall be inserted the words “purchase building or fencing materials implements live stock (including pigs and poultry) seeds plants trees and such other things as the Board thinks necessary for carrying out the purposes of this Act and may.”

- (ii) for

(ii) for paragraph (b) of the said sub-section there shall be substituted the following paragraph :—

“(b) At any time after such land has been disposed of under conditional purchase lease but only during the currency of the lease.”

(b) For sub-section (3) there shall be substituted the following sub-section :—

Repayment of costs of improvements &c.

“(3) The cost incurred by the Board under 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 shall be a charge on the land and the lessee’s interest therein or may be added to the capital value of the land.”

16. (1) Section eighty-six of the Principal Act is hereby amended as follows :—

Amendment of No. 2629 s. 86.

(a) In paragraph (c) of sub-section (3) for the words “three years” there shall be substituted the words “five years” :

Conditions in leases. Period of substituted residence increased from three to five years.

(b) At the end of paragraph (a) of sub-section (4) there shall be inserted the following words :—

“Provided that where owing to special circumstances it appears to the Board to be equitable in any particular case to modify the requirements of this paragraph it may by writing under its seal recommend to the Minister the modification of those requirements and the Minister may modify the same accordingly and observance of the requirements as so modified shall be deemed to be observance of the requirements of this paragraph.”

Power of Minister to modify condition as to improvements.

(c) In paragraph (ii) of sub-section (8) after the word “death” there shall be inserted the words “or

Comp. No. 2676 s. 75 as amended by No. 2770 s. 2.

Power to modify condition as to alienation in certain cases.

“or within such further period as in the case of drought or in any other special circumstances the Minister allows”:

(d) In paragraph (iii) of sub-section (8) after the words “death of the lessee” there shall be inserted the words “or within such further period as aforesaid.”

Construction of leases heretofore granted under No. 2629 s. 86 &c.

(2) Any leases heretofore granted under section eighty-six of the Principal Act or any corresponding previous enactment shall be read and construed and take effect as subject to the provisions of that section as amended by this Act.

Condition as to residence of lessee in case of his insanity.  
Comp. No. 2676 s. 70 (3).

17. (1) Where any lessee is required by any provision of the Closer Settlement Acts or by a condition contained in his lease to reside on the land thereby demised such provision or condition shall if such lessee becomes insane during the currency of his lease cease to operate during the period or periods of his insanity but shall otherwise be of full effect.

Power to committee or Master-in-Lunacy to assign lease in case of lessee's insanity.  
Ib. s. 70 (5).

(2) If during the currency of any lease under the said Acts the lessee of land becomes insane it shall be lawful for the committee of his estate or the Master-in-Lunacy (as the case may be) at any time during the lunacy of the lessee to assign such lease to any person who is qualified for becoming a lessee thereof and such person shall upon such assignment be with respect to such lease in the same position as though he had been the original lessee.

Provision as to the issue of a lease where applicant dies before lease executed.  
Comp. No. 2698 s. 104.

18. In the event of the death (whether before or after the commencement of this Act) of an applicant for a lease before the execution of the lease such lease may be granted in the name of such applicant and be executed by his executor or administrator and shall devolve or pass in like manner as if the lease had been executed prior to the death of the applicant and the estate of the applicant shall be answerable for the due performance of the covenants and conditions contained or implied in the lease as fully and effectually as if the applicant had executed the lease personally.

Condition in Crown grant to keep open drains.  
Comp. No. 2676 s. 118; and No. 2629 s. 86 15).

19. Every Crown grant hereafter issued in respect of an allotment of land demised under the Principal Act or any Act thereby repealed shall *inter alia* contain (if the Governor in Council in any particular case so determines) a condition

a condition that the owner of such land for the time being shall keep open all canals ditches drains cuts channels water-courses sewers and works thereon to the satisfaction of the Board and shall keep open and free from obstruction and to the satisfaction of the Board portions of any drains adjacent to the said allotment and upon any road or reservation abutting on or bounding the same or any part thereof and within a distance of not more than one hundred and thirty-two feet from such part.

20. At the end of paragraph (c) of sub-section (1) of section eighty-nine of the Principal Act there shall be inserted the words "Provided that such person fulfils the conditions of the lease as to residence."

Amendment of No. 2629 s. 89. Residence on mortgaged or sub-let allotments of workmen and agricultural labourers.

21. Section ninety-three of the Principal Act is hereby amended as follows :—

Amendment of No. 2629 s. 93.

(a) For the words "Land acquired for the purposes of closer settlement may be sold by the Governor in Council in fee simple in the cases, and subject to the conditions set forth in this section"

Sale of small areas required for public purposes.

there shall be substituted the words—

"Subject to the provisions of this section land acquired for the purposes of closer settlement may in the cases set forth in this section be sold by the Governor in Council in fee simple and upon such terms and conditions as he thinks fit";

(b) At the end of paragraph (a) there shall be inserted the words "or for a private road."

22. (1) Where any land acquired for the purposes of closer settlement has been sold pursuant to section ninety-three of the Principal Act or any corresponding previous enactment and whether before or after the commencement of this Act as a site for a public hall the registered proprietors for the time being of the land may for the purpose of erecting a public hall and offices and conveniences connected therewith on the land or for any other purpose connected therewith borrow and take up moneys at interest upon the security of the land and the credit of the rents of the land and any buildings erected or to be erected thereon and for the purpose of securing the repayment of any moneys so to be borrowed by them and the payment of the interest thereon

Power to borrow moneys on security of land and of rents of land sold for public hall. No. 2629 s. 93.

thereon may mortgage the said land and assign<sup>o</sup> over the said rents as a security for the repayment of the money so to be borrowed together with interest for the same :

Provided that any money so borrowed shall be used only for the objects for which the land was originally granted and the lender shall not be concerned to inquire for what objects the money is being borrowed or be responsible for the misapplication thereof.

(2) If the trustees for the time being of any such land or any of them die or are out of Victoria or desire to be discharged or refuse or become incapable to act—

(a) the Governor in Council may appoint a new trustee or trustees in the place of any of the first-mentioned trustees ;

(b) upon any or every such appointment the number of trustees may be augmented or reduced and the trust property shall (if and so far as the nature of the property and other circumstances require or admit) be transferred so that the same may be vested in the trustee or trustees for the time being ;

(c) every trustee so appointed may as well before as after the transfer of the trust property act or assist in the execution of the trusts and powers affecting the trust property as fully and effectually as if he had been originally constituted a trustee ; and

(d) the Registrar of Titles may upon production of a deed of appointment of new trustees or a new trustee by the Governor in Council and upon application in writing by the then trustees or trustee and upon production of the duplicate Crown grant or certificate of title for such land register the trustees or trustee for the time being as the proprietors of the land.

**23.** Section ninety-five of the Principal Act is hereby amended as follows :—

(a) In sub-section (1) for the words "Governor in Council" there shall be substituted the word "Minister" ;

(b) Sub-section (2) is hereby repealed ;

(c) In sub-section (3) for the words "sixteen years" there shall be substituted the words "twenty years."

**24.** Section

Appointment  
and registration  
of trustees.

Amendment of  
No. 2829 s. 95.  
Advances to  
1888008.

24. Section ninety-six of the Principal Act is hereby amended as follows:—

(a) In sub-section (1) for the words "Governor in Council" there shall be substituted the word "Minister";

(b) Paragraph (a) of sub-section (1) is hereby repealed;

(c) Sub-section (2) is hereby repealed.

Amendment of No. 2620 s. 96.  
Power to erect dwelling-houses and to make improvements &c.

25. In section ninety-seven of the Principal Act—

(a) for the words "Governor in Council" there shall be substituted the word "Minister";

(b) for the words "sixteen years" there shall be substituted the words "twenty years."

Amendment of No. 2620 s. 97.  
Power to make advances to certain lessees.

26. In sub-section (2) of section one hundred and two of the Principal Act after the word "instalments" (where it occurs for the second time) there shall be inserted the words "or such portion thereof as the Board thinks fit."

Amendment of No. 2620 s. 102.  
Lien for portion of overdue instalment.

27. In sub-section (2) of section one hundred and four of the Principal Act for the words "fourteen half-yearly instalments" there shall be substituted the words "forty half-yearly instalments."

Amendment of No. 2620 s. 104.  
Repayment of advances for wire-netting.

28. Section one hundred and five of the Principal Act is hereby amended as follows:—

(a) In sub-section (3) for the words "seven years" there shall be substituted the words "twenty years";

(b) At the end of sub-section (5) there shall be inserted the words "but where the whole or part of an advance is repaid the Board may make a further advance up to a total of Five hundred pounds."

Amendment of No. 2620 s. 105.  
Repayment of advances.  
Mallee licensees.

Further advances on repayment of former advances.  
Comp. No. 2916 s. 11 (1).

29. The improvements or any part thereof on land acquired for closer settlement purposes by the Board may be valued separately and at the discretion of the Board such value may be treated as an advance on improvements under the Closer Settlement Acts and such improvements may be treated as having been effected by the lessee.

Existing improvements on land at time of acquisition by Board.  
Ib. s. 13.

30. At any time upon the report of an inspector of the Board that any money advanced under the Closer Settlement Acts by the Board has not been applied to the purpose for which it was advanced or has been expended in a careless or extravagant manner, or that any live stock (including

Power to withhold payments of advances &c. in cases of misapplication neglect &c.  
Ib. s. 19.

(including pigs and poultry) materials or implements supplied by the Board or the produce (if any) of such live stock are being neglected—

- (a) the Board may refuse to pay any further instalments of the advance or to make any further advances ;
- (b) all amounts already advanced together with interest thereon shall become immediately due and payable ; and
- (c) the Board may forthwith recover the same in the like manner as any instalments due to the Board are recovered.

Amendment of  
No. 2629 s. 106.  
Power to make  
advances to  
grantees or  
owners repealed.

**31.** (1) Section one hundred and six of the Principal Act is hereby amended as follows :—

(a) In sub-section (1) the words “or where any person has obtained a Crown grant of an allotment under this Act or any Act repealed by this Act or is the owner for the time being thereof” and the words “or person” are hereby repealed.

(b) At the end of sub-section (1) there shall be inserted the words “but where the whole or part of an advance is repaid the Board may make a further advance up to a total of One thousand pounds.”

(2) In paragraph (f) of sub-section (2) of section fourteen of the Principal Act the words “and grantees and owners for the time being” are hereby repealed.

Consequential  
amendment of  
No. 2629 s. 14  
(2) (f).

As to interest  
on advances in  
case of certain  
lessees and  
licensees on war  
service.  
Comp. No. 2770  
s. 8.

**32.** (1) Where the lessee of an allotment under the Closer Settlement Acts or a licensee or lessee of Crown land under the Land Acts is engaged or has heretofore been engaged on war service and in consequence of being or having been so engaged is, in the opinion of the Board after due consideration of the facts in the particular case, unable to pay the whole or any part of the interest in respect of any advance made by the Board pursuant to the Closer Settlement Acts, the Governor in Council if he thinks fit may, on the recommendation of the Board, authorize the remission of the whole or any part of the interest accruing or accrued in respect of such advance during the whole or any specified portion of such war service, and the said interest or part thereof shall not accrue or be deemed to have accrued accordingly.

(2) The



(2) The amount of any loss resulting to The Closer Settlements Fund from the operation of this section shall be from time to time notified in writing by the Board to the Auditor-General and if certified by him shall be paid into the said Fund out of moneys to be provided by Parliament for the purpose.

Recoup of loss to The Closer Settlements Fund.

Comp. No. 2716 s. 102; No. 2916 s. 31.

(3) For the purposes of this section a lessee or licensee shall be deemed to be engaged on war service—

Definition of "war service."

Comp. No. 2770 s. 8.

- (a) if during the present war he is engaged on naval or military service outside Victoria with His Majesty's naval or military forces or the naval or military forces of the Commonwealth ;
- (b) if he is engaged on service outside Victoria in any work of any Red Cross society or ambulance association or any other body with similar objects in connexion with the said war ; or
- (c) if in connexion with the said war he is a prisoner of war in the enemy's country or is interned in the country of a neutral Power.

**33.** (1) In section one hundred and sixteen of the Principal Act the word "yearly" is hereby repealed.

Amendment of No. 2629 s. 116.

(2) At the end of the said section there shall be inserted the words "or may cause the said allotment if disposed of after the commencement of the *Closer Settlement Act 1904* under that Act or any other Act relating to closer settlement to be re-appraised and the payments adjusted accordingly."

Readjustment of instalments and re-appraisal of allotments.

**34.** (1) In sub-section (1) of section one hundred and seventeen of the Principal Act after the word "lessee" (wherever occurring) there shall be inserted the words "or grantee."

Amendment of No. 2629 s. 117.

Obtaining of additional land by Crown grantee.

(2) At the end of sub-section (3) of section one hundred and seventeen of the Principal Act there shall be inserted the following proviso :—

"Provided that the value of the original allotment or of the additional land as fixed by the Board at the time of the disposal or (where re-appraised) the re-appraisal thereof by the Board shall be taken to be the value of such allotment or additional land for the purposes of this sub-section."

**35.** In

Amendment of  
No. 2629 s. 118  
Lessees deemed  
owners or  
occupiers for  
purposes of  
sewerage Acts.  
Repeal of No.  
2629 s. 123.  
Provision in case  
of arrears.

35. In section one hundred and eighteen of the Principal Act after the words "public health" there shall be inserted the words "or to sewerage."

36. Section one hundred and twenty-three of the Principal Act is hereby repealed.

As to conditions  
of residence in  
Crown grants.

37. (1) No Crown grant hereafter issued in respect of an allotment of land demised under the Principal Act or any Act thereby repealed shall contain a condition to the effect set forth in section one hundred and twenty-five of the Principal Act or any corresponding enactment previously in force.

As to Crown  
grant issued  
before the  
commencement  
of this Act.  
No. 2629 s. 125.  
Comp. No. 2916  
s. 21.

(2) Where a Crown grant of an allotment of land demised under the Principal Act or any Act thereby repealed has heretofore been issued and contains a condition to the effect aforesaid such condition shall cease to have any further force operation or effect; and any failure before the commencement of this Act to comply with such condition shall not be deemed to be a breach or non-fulfilment of the condition of the Crown grant.

As to leases  
issued  
before the  
commencement  
of this Act.

(3) Where a lease of an allotment of land demised under the Principal Act or any Act thereby repealed has heretofore been issued and provides for the insertion of a condition to the effect aforesaid in the Crown grant of the land demised by such lease such provision shall cease to have any further force operation or effect.

Power of  
Registrar of  
Titles.

(4) Upon production to the Registrar of Titles of the Crown grant or lease heretofore issued as aforesaid he shall cause to be indorsed thereon a memorandum setting forth the effect of this section and no fee or charge shall be demanded by or paid to the Registrar of Titles for or in respect of such indorsement.

Consequential  
amendments of  
No. 2629.

(5) The Principal Act is hereby amended as follows:—

Repeal of No.  
2629 s. 125.

(a) Section one hundred and twenty-five of the said Act is hereby repealed;

Amendment of  
No. 2629  
s. 107 (1).

(b) In sub-section (1) of section one hundred and seven of the said Act the words "grant or" and the words "or grant" are hereby repealed; and

Amendment of  
No. 2629  
s. 117 (2).

(c) In sub-section (2) of section one hundred and seventeen of the said Act the words "one hundred and twenty-five" are hereby repealed.

38. Section

38. Section one hundred and twenty-seven of the Principal Act is hereby amended as follows :—

Amendment of  
No. 2629 s. 127.  
Provision for  
surrender of  
lease.

(a) In sub-section (1)—

- (i) after the words “to be declared void” there shall be inserted the words “or is surrendered”;
- (ii) the words “by reason only of non-compliance with the condition of residence by the lessee” are hereby repealed;
- (iii) after the words “period of residence” there shall be inserted the words “or any portion of such period.”

(b) Sub-section (2) is hereby repealed.

39. At the end of section one hundred and twenty-nine of the Principal Act there shall be inserted the following sub-section :—

Amendment of  
No. 2629 s. 129.  
Statutory  
declaration  
before transfer  
of closer  
settlement  
lands.  
No. 1962 &c.  
No. 2629 &c.

“(12) No transfer of a fee-simple estate in the whole or any part of any such closer settlement allotment disposed of after the commencement of the *Closer Settlement Act 1904* under that Act or any amendment thereof or under the Principal Act or any amendment thereof shall be registered by the Registrar of Titles unless and until there is delivered to the Registrar of Titles a statutory declaration by the transferee stating that he did not at the time of the acquisition thereof by him and does not and will not upon registration of the transfer hold as beneficial owner contrary to the provisions of this section either in his own name or in the name or names of any other person or persons more than one closer settlement allotment disposed of under any of the said Acts and also that he will not upon registration of the transfer hold the land transferred in trust for or on behalf of any other person or persons not qualified by law to hold the same as beneficial owner or owners.”

40. Where by or under the Closer Settlement Acts it is required or authorized that any fact matter or thing be verified or otherwise assured or ascertained upon the declaration of any person (whether such declaration is or is not referred to as a statutory declaration) such declaration may be made and subscribed before any person authorized by law to take and receive a statutory declaration or any councillor of a municipality, head teacher of a State school, member of the police force, officer of the Department of  
Crown

Declarations  
under the Closer  
Settlement  
Acts.  
Comp. No. 2637  
s. 305, and No.  
2647 s. 99.

Crown Lands and Survey, or manager of a bank, and every such person, councillor, head teacher, member, officer, or manager is hereby empowered and required to take and receive such last-mentioned declaration accordingly, and shall specify in writing thereon the capacity in which he takes and receives the same:

Provided that a statutory declaration for the purposes of the last preceding section of this Act may only be made and subscribed before a justice of the peace notary public or other officer by law authorized to administer an oath.

Amendment of  
No. 2629 s. 142  
Balance-sheet  
to be prepared  
and laid before  
Parliament.

41. In section one hundred and forty-two of the Principal Act after the words "date of such report" there shall be inserted the words "and a balance-sheet of the accounts of the Board in respect of the said financial year"; and at the end of the said section there shall be inserted the word "and" and the following paragraph:—

"(c) particulars of all re-appraisements made during the financial year with the reasons therefor."