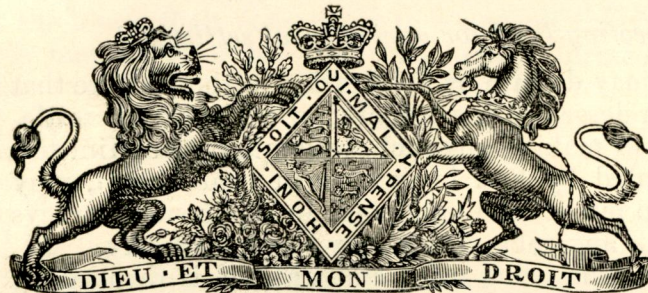


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 30 November, 1900, A.M. }

F. W. WEBB,
Clerk of the Legislative Assembly.

New South Wales.



ANNO SEXAGESIMO QUARTO

VICTORIÆ REGINÆ.

Act No. , 1900.

An Act to authorise the acquisition of private lands for purposes of settlement, and to provide for dealing with and disposing of such lands.

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

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Preliminary.

1. This Act may be cited as the "Agricultural Settlement Act," Construction and short title.

2. In this Act, unless the context otherwise requires,—
"Board" means local land board of the district in which the Definitions.
land is situate.

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"District" means land district constituted under the Crown Lands Act of 1884.

342—A

"Minister"

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“Minister” means Secretary for Lands.

“Owner” in the case of land subject to conditional lease means the conditional lessee.

5 “Prescribed” means prescribed by this Act or any regulations made thereunder.

“Private land” means land other than Crown land as defined in the Crown Lands Act of 1884, but includes Crown land held under conditional lease.

Notification respecting land for agricultural settlement.

10 3. The Minister may declare by notification in the Gazette that any private land therein described is set apart for agricultural settle-
ment. For the purpose of making any such declaration, the Minister, and any persons appointed by him in writing in that behalf, may enter any private land to inspect the same, and to make such surveys
15 thereof as the Minister or any such person may think necessary.

Minister may
notify lands for
agricultural
settlement.

Upon such notification being made and until it is revoked by the Minister by like notification or until it becomes null and void under this Act, whichever event first happens, no sale or disposition of the land by the owner otherwise than by lease for any term not
20 exceeding one year shall be made, and any such sale or disposition if made shall be of no effect.

Where any land so set apart is not resumed as hereinafter provided, the Minister may, on the recommendation of the board, award and pay to the owner of the land such sum of money as the
25 board thinks fair by way of compensation for any loss which such owner has sustained by reason of the notification aforesaid.

4. The Minister, at any time after notification, may, in respect of land declared to be set apart as aforesaid, require the board to report
upon any of the following matters:—

Report of land
board.

- 30 (a) The fair value of the land to the owner.
(b) The suitability of the land for agricultural settlement.
(c) The water supply to the land and to land in its neighbourhood.
(d) The probability of the immediate lease of the land under the provisions of this Act.
- 35 (e) The demand for land for agricultural settlement in the neighbourhood of the land.
(f) The area and character of Crown land available for agricultural settlement in the neighbourhood of the land.
(g) The value of the improvements on the land, and the distance from and means of access to the nearest railway station, port, or town.
- 40 (h) The bona fides of any mortgage on the said land.
(i) The valuation of such land as shown by the books of the Commissioners of Taxation.

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The board, and any persons appointed by them in that behalf, may enter the land for the purpose of making any report as aforesaid.

5. Any inquiry under the preceding section shall be made in open court in the same manner as an inquiry by the board under the Crown Lands Act of 1884 and any Act amending the same. Inquiry to be in open court.

The report of the board, so far only as it relates to the fair value of the land and the value of the improvements on the land and the bona fides of any mortgage, shall be subject to appeal to the Land Appeal Court by the owner of the land or the Minister in such manner and within such time as may be prescribed, not being less than one month after the report has been made.

The finding of the Land Appeal Court, or, if no appeal is made, of the board shall be final as to the value of the land and of the improvements, and if the land is resumed no larger sum shall be paid as compensation for the resumption.

Resumption of private land.

6. If, after such report, and within four months from the date of the report of the board or the Land Appeal Court, as the case may be, or if Parliament is not sitting during such period, within sixty days from the commencement of the next ensuing session, a proposal for the resumption of the land or any part thereof is submitted for approval, accompanied by such report, and is approved with or without modification by resolution of both Houses of Parliament, the Governor within thirty days after such approval has been given may, by notification in the Gazette and in one or more newspapers circulating in the district in which the land is situated, declare that any land, the resumption of which has been so approved, is resumed according to the terms of such resolution. Resumption of land set apart.

On the date of the notification in the Gazette declaring any land to be resumed, such land shall vest in Her Majesty and become Crown Land, and shall be deemed to be reserved from sale, selection and lease under the Crown Lands Act of 1884 and any Acts amending the same, as well as any Act relating to mining, unless or until the Governor otherwise proclaims, and shall be leased only in accordance with the provisions of this Act.

If within the times respectively above prescribed the resumption of the land or any part of the land described in the first-mentioned notification is not approved as aforesaid, or being so approved such land or any part of the same is not declared to be resumed, such notification shall, in respect of the land or part thereof, as the case may be, at the expiration of the said times respectively, be null and void.

Purchase

*Agricultural Settlement.**Purchase of private land.*

7. Any owner of any private land may by writing addressed to the Minister, or to some person appointed by the Minister in that behalf, offer to surrender the same to Her Majesty in consideration of the payment of a price named in the offer. Owner may offer to sell land.

Any such offer may be referred to the board for report on the matters mentioned in section four of this Act, and such report shall, in so far as it applies to the value of the land, be subject to appeal in the same manner as a report made in accordance with the provisions of section four of this Act.

8. If such offer is referred to the board, and it appears from the report of the board that the land offered is suitable, and is likely to be immediately leased for agricultural settlement, and that there is no sufficient quantity of Crown land in the neighbourhood available for such settlement, the Minister, with the sanction of the Governor, and the approval of Parliament as aforesaid, may—

where the land is offered in consideration of the payment of a price, make a contract for the acquisition of the land or any part of the land at the price asked, or such less price as the land board, subject as aforesaid, may recommend as the fair value thereof, or at any less price.

The Governor and the Minister may do all things necessary to carry out any such contract.

9. Upon completion of the purchase the land shall vest in Her Majesty, free from all trusts and conditions affecting the same, and become Crown land, and shall be deemed to be reserved from sale, selection, and lease under the Crown Lands Act of 1884, and any Acts amending the same, as well as any Act relating to mining unless or until the Governor otherwise proclaims, and shall be leased only in accordance with the provisions of this Act. Vesting of land.

Price of mortgaged land.

10. Where money has been bona fide lent on the sole security by way of mortgage or encumbrance of any land resumed or purchased under this Act, no less sum shall, without the consent of the mortgagee, be paid as compensation or as purchase money for such land than the amount of the money so lent, with interest thereon owing at the time of such resumption or purchase. Mortgaged land.

Payment for land.

11. The cost of any land resumed or purchased under this Act shall be paid for out of money to be authorised by Parliament: Payment for land resumed.
 Provided that the money so authorised shall not exceed the sum of three hundred thousand pounds in any year. **12.**

Agricultural Settlement.

12. All moneys received for forfeitures, rent, or interest in respect of any land or any improvements thereon applied for under this Act shall be paid into the Treasury and carried to a special account, and shall be applied in the first place in payment of the interest upon the purchase price of such land, and the surplus shall be accumulated to form a fund for redeeming the said purchase money.

Disposition of purchase money, &c.

Lease of farms.

13. All lands resumed or acquired by purchase under this Act shall be divided into farms of an area not greater than six hundred and forty acres or into such greater areas as the Minister on the advice of the local land board, may direct; and the standard to be adopted in regulating the area of each such farm shall be that the lessee thereof may, by agriculture, or by agriculture combined with any other ordinary pursuits, be enabled to establish and maintain his home thereon, and such farms shall be open to lease at the rent fixed and in the manner and on the conditions prescribed by this Act.

Division of land into farms.

In making any such division into farms the Minister may, where he considers such course to be desirable, include in any farm any Crown land adjoining the land so resumed or acquired by purchase.

14. The capital value of the said land shall be fixed by the Minister, and shall be at a rate not less than sufficient to cover the cost of acquisition of the land and all expenses incidental thereto, as well as the value of so much of the land as is absorbed by roads and reserves, and the cost of all surveys of the said land. The rental of land leased or to be leased in accordance with the provisions of this Act shall be at a rate to be fixed by the Minister, being not more than five per centum per annum on the capital value of the land, and may be altered by the Minister after the expiration of each twenty years of the lease, provided that no alteration of the rate for any period of twenty years shall be made until the board (or the Land Appeal Court, on appeal by the lessee or the Minister, within such time as may be prescribed) shall have determined the rate of rent which should be payable, and such determination shall be final.

Rental of farms.

15. Leases under this Act may be applied for and granted in the following manner and subject to the following terms and conditions:—

Conditions of lease.

(a) On and after the date on and after which it has been notified under the provisions of this Act that the land may be applied for, any person who is not disqualified as hereinafter provided may apply to lease any farm. The application shall be made and lodged as prescribed, and shall be accompanied by a deposit of half-a-year's rent.

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A person shall be disqualified from being an applicant for or the holder of a farm under this Act, if such person—

- 5 (i) is under the age of sixteen years; or
(ii) is a married woman not living apart from her husband under a decree of judicial separation; or
(iii) is subject to any legal disability other than non-age or coverture, or to any disqualification specially mentioned in this Act;
- 10 (iv) At the date of application or transfer under this Act, holds in fee simple an area sufficient in the opinion of the board for the holder to maintain his home thereon, or owns wholly or in part any pastoral or homestead or settlement or conditional or improvement or scrub lease, or lease of inferior land, or a lease under this Act, or an occupation license, or a conditional purchase or homestead selection, or who has before such application or transfer held any such holding and in the opinion of the board transferred or divested himself of the same with a view to avoid the disqualifications provided for by this section.
- 15 (v) The applicant shall, upon the day appointed, satisfy the board that he or she is qualified, and that the application has been made in accordance with the provisions of this Act, and that the sole object of the applicant in making the application is to obtain a lease of the land in order that he may hold and use the land for his own exclusive benefit according to law. The board shall confirm the application, if so satisfied, unless it permits the applicant to withdraw same. The board shall disallow any application if not so satisfied, and may order any moneys deposited with the application to be forfeited. Any such disallowance shall be subject to appeal to the Land Appeal Court in the prescribed manner.
- 20 (vi) The title to any farm applied for under the provisions of this Act shall commence from the date of application therefor, if the application is valid. The provisions of the Crown Lands (Amendment) Act, 1899, in respect of conflicting applications under the Crown Lands Acts, shall apply in respect of conflicting applications under this Act: Provided that the holder of any land being of an area not greater than the area of a farm offered for lease which has been resumed under this Act shall, in respect of applications made during the first week after the land is available under this Act, be deemed (subject to the disqualifications herein mentioned) to have priority in respect of the farm comprising any land resumed of which he was the holder at the date of resumption.
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16. The Governor may issue to an applicant whose lease has been confirmed by the board a lease of the farm applied for. Terms of lease.

The term of the lease shall be ninety-nine years, and the lease shall be in the prescribed form, and shall contain provisions to secure—

- 5 (a) that the lessee shall pay the annual rent of the farm as fixed under this Act, and such rent shall include rent for the use of any improvements which the land may contain, and shall keep such improvements in reasonable repair during the currency of the lease ;
- 10 (b) that the lessee shall commence to reside on the farm within three months after his lease has been confirmed, and shall reside on the farm and make it his bona fide residence during the whole term, or if the lease has been transferred by way of bona fide mortgage, then that the owner, subject to such mortgage, shall so reside ;
- 15 (c) That the lessee shall fence the farm within five years ;
- (d) that the lessee shall conform to any regulations made by the Minister relating to keeping the farm clear of rabbits and other noxious animals, and also to clearing the farm of scrub and noxious weeds ;
- 20 (e) that the lessee shall not assign or sublet without the Minister's consent, and in no case shall assign until he has held the lease for at least five years ;
- 25 (f) that the Governor may forfeit the lease upon breach of any of the conditions, covenants, and provisions therein contained, and forfeiture shall take effect on the expiration of thirty clear days after notification of forfeiture in the Gazette. The lease may also contain such additional provisions, conditions, and covenants as to the Governor may seem expedient in the public interest.
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The Minister may sell any lease under this Act by auction, provided that the highest bidder shall not be deemed to be purchaser of, and shall not have any title to, the lease unless and until the board is satisfied that he is qualified to make an application for a lease under this Act. The board shall confirm the lease if so satisfied, and if not so satisfied shall disallow the lease, and may order any moneys paid at the time of sale to be forfeited, provided that any disallowance by the board may be appealed against to the Land Appeal Court within such time and in such manner as may be prescribed. If a lease be disallowed, 40 the Minister may re-offer the lease by auction, or may offer it to lease by application, as he sees fit."

The condition of residence and all conditions of a lease under this Act shall devolve on the successive holders of the lease ; and any transferee shall take the lease, subject to all unfilled obligations 45 attaching thereto, and shall hold and use the land for his own exclusive benefit according to law.

If

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If the holder of a lease die or be declared a lunatic, or becomes an insane patient within the meaning of any Lunacy Act, the conditions may be fulfilled by any member of his family or any other person approved by the board, and the board may grant leave to the holder of
5 any lease to cease living upon the farm for such necessary causes as may be prescribed and for such period as may be determined.

17. The board may at any time on its own motion or at the direction of the Minister inquire in open Court, subject to appeal to the Land Appeal Court as prescribed, whether the lessee has up to the
10 date of the inquiry duly performed all conditions (other than the payment of rent) attaching to his lease.

If, upon such inquiry the lessee satisfies the board that he has, up to the date of the inquiry, duly performed all the conditions required to be performed up to that date the board shall issue to him a certificate
15 to that effect.

If at any time the board upon inquiry (or the Land Appeal Court on appeal) is not satisfied that the lessee has performed all the conditions required, the Governor may, by notification in the Gazette, forfeit the interest of the applicant or assignee in the farm,
20 and thereupon the right of the applicant or assignee to continue in occupation shall wholly cease and determine. The like notification may be made where the lessee fails to pay when due any moneys owing as rent or otherwise.

Provided that the Minister may, in lieu of notifying any such
25 forfeiture for non-payment of any moneys, accept payment of such moneys with a fine of five per centum per annum added thereto.

18. The provisions of section twenty-three of the Crown Lands Act of 1895, applicable to homestead selections and the owners of such selections, shall mutatis mutandis apply to lands leased under this Act,
30 and to the lessees of such lands.

19. Where any improvements are on any land so resumed or acquired, the Governor, on the recommendation of the board, may set apart such improvements, with or without the land on which they stand, or any adjacent land which may advantageously be used with
35 it, and lease the same to such person, for such rent and upon such terms, as he may think fit.

20. The provisions of section ten of the Public Roads Act, and section eight of the Crown Lands (Amendment) Act, 1899, shall be deemed to extend to any lease under this Act; and the provisions of
40 the Crown Lands Act of 1884, and any Acts amending the same, so far as they relate to dividing fences, shall be deemed to apply to fences on lands leased under this Act.

21. Notwithstanding anything contained in the Public Roads Act of 1897, any roads intersecting or bounding any lands resumed or
45 acquired under this Act may be closed or modified and new roads opened

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opened to accord with any new plan or design of subdivision, and the approval of such plan or design shall be sufficient evidence of such closing, modification, or opening.

Report to be presented to Parliament.

5 **22.** Within thirty days, or such other convenient time after the Report to Parliament.
meeting of Parliament in each year as the Minister thinks fit, a report
shall be presented to both Houses of Parliament showing :—

10 (a) The locality and area of each block of land acquired under
this Act, the name of the person or company from whom it
was acquired, the price paid for the same, and the valuation
of the same for taxation purposes, as shown by the books of
the Commissioners for Taxation.

15 (b) The report of the board on each transaction that came before
it, and the condition and settlement of all land acquired under
this Act.

23. The Governor may, for the purposes of this Act, exercise any Regulations.
power of making regulations conferred upon him by the Crown Lands
Act of 1884, or any Acts amending the same, and may generally make
regulations for carrying this Act into effect.

20 **24.** In this Act the "Governor" means the Governor with the Definition.
advice of the Executive Council.

