



ANNO SECUNDO

EDWARDI VII REGIS.

A.D. 1902.

No. 805.

*Repealed by No 830
of 1903: but see
Saving clause
Section 5.*

An Act relating to the Repurchase of Land, and for other purposes.

[Assented to, November 13th, 1902.]

BE it Enacted by the Governor, with the advice and consent of the Parliament of South Australia, as follows:

1. This Act may be cited as "The Closer Settlement Act, 1902." Short title.

2. "The Closer Settlement Act, 1897," and sections 6, 7, and 8 of "The Crown Lands, Closer Settlement, and Blockholders' Loans Amendment Act, 1901," are hereby repealed; but such repeal shall not, unless otherwise expressly provided for by this Act, affect any right, interest, or liability already created, incurred, or existing, nor anything lawfully done or suffered under any Act hereby repealed. Repeal.

3. In this Act—

Definition.

"Agreement" shall mean an agreement for the purchase of land held under closer settlement:

"Land Board" shall mean any Land Board appointed under "The Crown Lands Act, 1888," or any Act amending the same.

4. This Act is divided into three Parts, as follows:—

Division of Act.

PART I.—Closer Settlement:

PART II.—The Receiver of Rents and the Recovery of Rents:

PART III.—Regulations.

PART

*The Closer Settlement Act.—1902.***PART I.****PART I.****CLOSER SETTLEMENT.**

Repurchase of land
for closer settlement.

Sec. 2, 688 of 1897.

5. The Commissioner of Crown Lands may, subject to the provisions hereinafter set forth, repurchase land for the purposes of this Act, at a cost not exceeding Three Hundred Thousand Pounds in any two financial years, subject to the following conditions, namely:—

- (a) That the price to be paid for such land shall not exceed the assessed value of the land for land tax purposes, the value of the improvements on the land to an incoming tenant, and fifteen per centum added to such first-mentioned value:
- (b) That the repurchase be recommended by the Land Board and the Surveyor-General:
- (c) That the improvements be valued by the Land Board and the Surveyor-General:
- (d) That within thirty days after each repurchase, if Parliament be then in Session, or if Parliament be not then in Session, then within thirty days after the commencement of the next Session, there shall be laid before both Houses copies of all recommendations and valuations pursuant to which the purchase has been made, and full particulars of—
 - i. The locality, area, and quality of the land repurchased, and of the improvements thereon:
 - ii. The names of the vendors and of all persons interested in the sale:
 - iii. The price paid and the land tax assessment.

Land repurchased,
how dealt with.

6. All land repurchased under this Act, or under either of the Acts hereby repealed, shall be dealt with as follows:—

Town lands and
reserves, how dealt
with.

- (a) Town lands may be sold by auction for cash, and reserves may be dedicated by Proclamation in like manner as Crown lands are dedicated under the provisions of "The Crown Lands Act, 1888."

Sec. 7, Act 777 of
1901.

Other lands to be cut
up.

- (b) The land, except such portions as may be required for town lands or for dedication or reservation for public purposes, shall be cut up into blocks of not exceeding Two Thousand Pounds unimproved value:

Value of blocks
suitable for pastoral
purposes only.

- (c) Where, in cutting up any repurchased land, improvements to a large value would necessarily be included in one or more blocks, and the value of such improvements would be out of proportion to the value of the blocks if the limitation of Two Thousand Pounds unimproved value were not exceeded, the block or blocks on which such valuable improvements

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PART I.

improvements are situated may exceed Two Thousand Pounds, but not Three Thousand Pounds, in unimproved value; or where the land is suitable only for pastoral purposes, the value of the blocks may exceed Two Thousand Pounds, but not Four Thousand Pounds, in unimproved value:

- (d) When, in the opinion of the Land Board, the improvements on any block are larger than are required for working such block, then only so much of the value of such improvements shall be added to the price of the block as may, in the opinion of the Land Board, be reasonable, having regard to the size and situation of the block, and the balance of the value of such improvements shall be added to the price which has been paid for the whole estate of which such block forms a part. Blocks with valuable improvements to be charged with portion only of such improvements.
- (e) Before the blocks are offered the Land Board, subject to the approval of the Commissioner, shall fix the value of each block and of the improvements on each block, which value shall include the reasonable cost of any work effected by the Government: Provided that the price so fixed shall not in the aggregate be less than the amount paid for the land, together with the cost of offering the same for sale: Land Board to fix value of block and improvements.
Secs. 5 and 6, 688 of 1897.
- (f) Notice shall be given in the *Government Gazette* that the blocks are open to be purchased, and such notice shall contain the following particulars, namely, the area of each block and the value of the improvements thereon, the annual instalments of principal and interest to be paid in respect of the purchase-money of such block and improvements, and such other particulars as the Commissioner shall think proper. The blocks shall be allotted by the Land Board. Gazette notice that land open to be purchased.
Sec. 4, *ibid.*

7. The blocks shall be offered for sale, and the purchaser shall enter into an agreement for sale and purchase (hereinafter called the "agreement") which shall, in addition to the usual covenants and conditions contained in like agreements, contain the following covenants on the part of the purchaser:— Covenants on the part of the purchaser.

- i. To purchase his block and the improvements thereon at the price fixed by the Land Board, and to pay the purchase-money and interest thereon at not less than the rate of Four Pounds per centum per annum by sixty half-yearly instalments of Two Pounds Sixteen Shillings and Five Pence for every One Hundred Pounds of purchase-money, which instalments shall be paid in advance: Provided that the purchaser shall have the option of completing the purchase of his block at any time after the expiration of six years, on paying the balance of all principal moneys due under his agreement and all interest due at the time of the completion of his purchase: To purchase not earlier than six and not later than thirty years.
Sec. 8, *ibid.*, amended.

ii. To

*The Closer Settlement Act.—1902.***PART I.**

To expend money on his block during the first five years.

Sec. 10, 688 of 1897.

Application to be accompanied by instalment.

Sec. 9, *ibid.*

Conditions as to value of holdings and transfer.

Sec. 8, 777 of 1901.

Forfeiture.

Lands remaining unlet.

Sec. 11, 688 of 1897.

Lessee of perpetual lease may surrender for agreement under this Act.

Adjustment of purchase-money under agreement.

11. To spend on his block during each year of the first five years a sum equal to Three Pounds for every One Hundred Pounds of his purchase-money in substantial improvements, consisting of buildings, fencing, or water improvements: Provided that the amount so spent by the purchaser in excess of the amount required to be expended in any one year shall be set off against the expenditure required in the next or following years: Provided also that the purchase-money paid for improvements may be set off against the amount to be spent by the purchaser for improvements.

8. Every application to purchase shall be accompanied by an amount equal to the first half-yearly instalment hereinbefore provided in respect of the purchase-money of the block and improvements

9. No agreement shall be entered into with any person who is already the holder of land of the unimproved value of Two Thousand Pounds, or who would thereby become the holder of land exceeding such value, and no transfer of any agreement made under this Act shall be permitted except with the consent of the Commissioner, and no such recommendation or consent shall be given to any transfer in favor of any lessee or owner of land who would thereby become the holder of land exceeding Two Thousand Pounds of unimproved value, except under the circumstances and conditions mentioned in paragraph (c) of section 6.

10. An agreement shall be liable to forfeiture should any instalment thereunder be in arrear for six months, and remain unpaid for three months, after the same shall have been demanded in manner provided by regulation.

11. Should any of the repurchased land remain unallotted for a period of one year after being first offered the same may be let on miscellaneous lease at a rental and on terms to be fixed by the Land Board, or, should the Land Board so recommend, such land may, with the approval of the Commissioner, be sold by public auction, a reserve price thereon to be fixed by the Land Board, and on the following terms, namely:—Twenty-five per centum of the purchase-money in cash, and the balance in five yearly instalments, bearing interest at four per centum per annum.

12. The lessee of any perpetual lease of repurchased land granted under any Act hereby repealed may, having fulfilled all the covenants and conditions contained in his lease, and given three months' notice of his intention so to do, surrender such lease, and obtain in lieu thereof an agreement under this Act.

13. The purchase-money to be paid under such agreement shall be the value of the block and improvements as fixed by the *Gazette* notice when such block was last allotted, after deducting therefrom all moneys paid on account of improvements thereon up to the date of the surrender of the lease.

14. All

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14. All moneys received by the Commissioner of Crown Lands from either lessees or purchasers of any land acquired by him shall be dealt with as follows:—

PART I.

Closer Settlement Fund.

- i. Moneys repaid on account of principal, whether for land or improvements, shall be paid to the credit of the Land Repurchase Loan Fund, and shall be used for the redemption of stock, or for the purchase of land under this Act:
- ii. Moneys paid as interest or rent, whether on the price of improvements or on the price of land, shall be paid into the General Revenue.

15. The Surveyor-General shall, in the month of July in each year, prepare a statement containing the following particulars in connection with repurchased lands for the financial year ending on the thirtieth day of June immediately preceding such month—

Statement to be laid before Parliament.

- (a) The amount advanced from the loan fund and the amount of interest paid thereon:
- (b) The amount received as principal and interest from purchasers holding land under agreement:
- (c) Amount of arrears of principal and interest, if any:

And such statement shall be laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, then within fourteen days after the beginning of the next Session of Parliament.

16. Every lease shall contain such provisions for the insurance of improvements as the Minister may think fit.

Insurance.

17. Notwithstanding the provisions of any Act to the contrary, the chairman or any member nominated by the Land Board is hereby authorised and empowered when obtaining evidence preliminary to the allotment or transfer of any lands to administer the prescribed oath or affirmation to any person, and the evidence given by such person shall be taken down in writing and signed by him, and countersigned by the chairman or member taking the same.

Oath or affirmation may be administered by chairman or member.

PART II.

PART II.

THE RECEIVER OF RENTS AND THE RECOVERY OF RENTS.

18. The collection of rents and instalments payable under the provisions of this Act or of any Act hereby repealed shall be under the control, direction, and management of an officer employed in the Crown Lands Department, to be appointed by the Governor, and to be styled the Receiver of Rents.

Appointment of Receiver of Rents.

19. In

*The Closer Settlement Act.—1902.***PART II.**

Commissioner may extend time for payment for improvements.

19. In any case where the Land Board certifies that the improvements on any block allotted under "The Closer Settlement Act, 1897," are greater than are required for working such block, or that the instalments payable for improvements under the said Act are in the opinion of the Board too high, the Commissioner may extend the time allowed by the said Act for payment for such improvements for any period not longer than ten years, and the yearly instalments payable by the allottee shall be readjusted accordingly.

Action may be maintained in the name of the Receiver.

20. If any rent or instalment shall be in arrear the Receiver of Rents, without prejudice to his right to recover in any other way, may sue for and recover the same in any Court of competent jurisdiction as a debt due to the Receiver of Rents; and any action therefor may be maintained in the name of the Receiver of Rents without specifying the name of the person holding the office, and shall not be liable to be abated by any vacancy or change in the office of the Receiver of Rents or otherwise.

Lease or agreement liable to forfeiture may be cancelled.

21. Where any lease or agreement is liable to forfeiture, or where any rent or instalment remains unpaid, as provided in section 10, the Governor may, on the recommendation of the Receiver of Rents, by notice in the *Government Gazette*, cancel such lease or agreement; and the Registrar-General, at the request of the Receiver of Rents, shall make the necessary entries in the Register Book for giving effect to such cancellation, and upon such cancellation the purchaser shall have no further interest or title, either at law or in equity, in the land included in such lease or agreement, or in or to any money which may have been paid thereunder. The land included in such forfeited lease shall thereafter be dealt with as if it were a block newly offered under this Act, and any surplus derived therefrom shall belong to the defaulting purchaser.

Returns of cancellations, &c., to be placed before Parliament.

22. A return of all cancellations, setting forth the reasons therefor, shall be annually placed before Parliament before the first day of September.

Statute of limitation no bar to action.

23. No statute of limitation shall bar or affect any action or remedy for the recovery of any rent or instalments due.

PART III.**PART III.****REGULATIONS.**

Governor may make regulations.

24. The Governor may from time to time make, alter, amend, or repeal any regulations necessary or desirable for carrying out the objects and purposes of this Act.

Regulations to be gazetted.

25. All such regulations shall be published in the *Government Gazette*, and, within fourteen days after the making thereof, shall be laid before both Houses of Parliament if Parliament be then sitting, and

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and if Parliament be not then sitting, then within fourteen days after the beginning of the next Session of Parliament, and shall have the force of law from the date of publication.

PART III.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

S. J. WAY, Lieutenant-Governor.