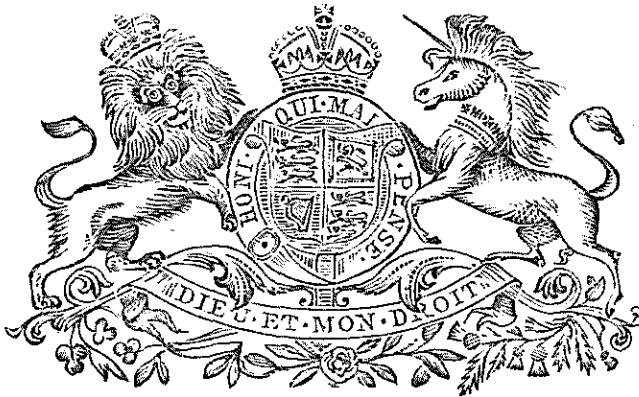


WESTERN AUSTRALIA.



ANNO NONO

EDWARDI SEPTIMI REGIS,

XLII.

No. 46 of 1909.

AN ACT to make better provision for the Purchase of Lands suitable for immediate Settlement, and for facilitating Settlement on the Land.

[Assented to 21st December, 1909.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Agricultural Lands Purchase Act, 1909*, and shall be read as one with the Land Act, 1898.

Short title.

2. The Acts specified in the First Schedule are hereby repealed.

Repeal Schedule 1

3. This Act shall be administered by the Minister for Lands, hereinafter called the Minister.

Minister for Lands to administer Act. 1896, No. 26, s. 2.

4. (1.) The Colonial Treasurer may, with the approval of the Governor, from time to time expend, for the purposes of this Act, sums not exceeding in the aggregate, with the moneys expended under the Acts hereby repealed, Four hundred thousand pounds out of

Sources of funds for purposes of Act. See 1896, No. 26, s. 3.

(a.) Moneys voted by Parliament for the purposes of this Act; or

(b.) Moneys borrowed (and which the Colonial Treasurer is hereby authorised to borrow) from the funds of the Government Savings Bank at a rate of interest not exceeding four pounds per centum per annum and secured by any Government securities in accordance with section twenty-seven of the Government Savings Bank Act, 1906.

(2.) At the option of the vendor of any land purchased by the Crown under this Act, the Colonial Treasurer may pay the whole or any portion of the purchase money by Government debentures secured upon the consolidated revenue of Western Australia, bearing such interest as the Governor may appoint, not exceeding four pounds per centum per annum, and redeemable not later than twenty-five years after the date thereof, and such debentures, when so paid, shall be regarded as forming a part, at their face value, of the said sum of Four hundred thousand pounds.

Land Purchase Board.
1896, No. 26, s. 4.

5. (1.) The Governor may appoint a Board consisting of not more than five persons, and may from time to time remove such persons, and appoint others in their stead, and the said Board shall be incorporated under the name of the Land Purchase Board, and shall have a common seal.

(2.) Three members of the Board shall constitute a quorum.

Lands may be surrendered in terms of this Act.
See 1896, No. 26, s. 5.

6. Subject to the provisions of this Act, the Governor may accept surrenders of land to His Majesty, for the purposes of this Act, and any owner of land may offer to surrender to His Majesty any land at a price to be named in the offer, and such offer shall be binding on the owner if the decision of the Minister to purchase the land is notified to such owner by letter posted within three months of the date of the receipt of the offer by the Minister: Provided that any such land must be situated within twenty miles of a railway, or of the intended route of a proposed railway the construction of which is authorised by Parliament.

The term "land" includes any interest in land held under the Crown on conditional purchase lease, or otherwise, with or without the right to acquire the fee simple.

Land Purchase Board to report.
See 1896, No. 26, s. 6.

7. (1.) Any such offer shall, before acceptance, be referred to the Land Purchase Board for their report upon the following matters, that is to say—

- (a.) The fair value of the land and the improvements thereon.
- (b.) The demand for land in the neighbourhood for agricultural settlement.
- (c.) The suitability of the land offered for agricultural settlement.

(d.) The probability of the immediate selection of the land.

(e.) The absence of a sufficient quantity of Crown lands in the neighbourhood available for agricultural settlement.

(2.) The Land Purchase Board, before making their report, shall examine the land, for which purpose all or any members of the Board, or any person thereto authorised in writing by the Board, may enter and remain thereon for such time as may be necessary to obtain sufficient information for the preparation of their report.

8. If it appears from the report of the Land Purchase Board, in any case, that the land offered is suitable, and is likely to be immediately selected for agricultural settlement, and that there is no sufficient quantity of Crown Lands in the neighbourhood available for such settlement, the Minister, with the approval of the Governor, and subject to the conditions prescribed by this Act, may make a contract for the acquisition of the land by surrender at the price fixed by the Board as the fair value thereof, or at any lesser price.

Governor may purchase lands.
1896, No. 26, s. 7.

9. All land surrendered to His Majesty under the provisions of this Act shall be deemed to be Crown Lands, and after being surveyed into sections, and, if necessary, classified, shall be disposed of in accordance with the provisions of the Land Act, 1898, as modified by this Act.

Disposal of land acquired under this Act.
1896, No. 26, s. 8.

10. The Minister may, if he thinks fit, with the approval of the Governor, clear, drain, fence, or otherwise improve any of the land acquired under this Act, prior to disposing of it, and the cost of such clearing, draining, fencing, or other improvements shall be added to the price paid for the acquisition of the land.

Minister may improve lands purchased under this Act.
1896, No. 26, s. 9.

11. (1.) A sufficient part of the land may be set apart by the Minister, with the approval of the Governor, for roads, reserves, townsites, suburban areas, and other purposes as may be found necessary.

Reserves for public purposes, roads, and townsites to be provided.

See 1896, No. 26, s. 10.

(2.) The Minister, with the approval of the Governor, may dispose of town and suburban lands, set apart under this section in like manner as town and suburban lands may, for the time being, be disposed of under the Land Act, 1898.

1897, No. 34, s. 2.

12. The remainder of the land shall be thrown open for selection under the provisions and conditions of section fifty-five or fifty-six of the Land Act, 1898, subject to the following modifications:—

Price and conditions on which land is to be sold.
See 1896, No. 26, s. 11.

(1.) The selling price of the land shall be ascertained by adding to the price actually paid in cash or debentures for the land Five pounds per centum of such price, and

the cost of all improvements made upon it, and of survey and subdivision. and the total so arrived at shall be the least aggregate price to be paid by the selectors of the land.

Provided that where land acquired for the purposes of this Act is held on conditional purchase lease, the balance of the purchase money payable to the Crown under such lease shall be added to the selling price of the land.

Provided also that where the interest in land acquired for the purposes of this Act is leasehold without the right to acquire the fee simple, the price of the land in fee simple under the provisions of the Land Act, 1898, shall be added to the selling price of the land.

- (2.) The selling price of each allotment shall be fixed by the Governor, but so that the aggregate price for all the allotments into which the land is divided shall not be less than that hereinbefore prescribed, payable with interest thereon in forty half-yearly instalments, or sooner if required by the selector.
- (3.) No person under the age of sixteen years shall be eligible to be a selector under this Act.
- (4.) The maximum area held by one person shall be one thousand acres of cultivable land, or its equivalent as prescribed by section twenty-three of the Land Act Amendment Act, 1906, except in special cases approved by the Governor, when such maximum may be increased to two thousand acres of cultivable land or its equivalent as aforesaid.
- (5.) The first half-year's instalment, at the rate of Three pounds seventeen shillings and nine pence for each hundred pounds of the selling price, shall accompany each application, and on approval of the application by the Minister, subject to the provisions of this Act and the regulations, a lease shall be issued for twenty years to date from the first day of the quarter next preceding the date of the approval of the application.

Instalment.

See 1896, No. 26, s. 13.

13. The half-yearly instalments to be paid under this Act by the lessee of any land shall be at the rate of Three pounds seventeen shillings and nine pence for every hundred pounds of the purchase money payable in advance.

Schedule 2.

Such instalment includes the interest upon the portion of the purchase money which for the time being remains unpaid, together with an instalment of the purchase money, as set forth in the Second Schedule to this Act.

14. The amount to be paid by a lessee under this Act upon acquiring the fee simple before the expiration of the term of twenty years shall be a sum equal to the amount then remaining unpaid in respect of the principal of the purchase money, calculated in accordance with the rates specified in the Second Schedule to this Act, interest being charged to the end of the current half year.

Amount to be paid for accelerated purchase.
Schedule 2.
See 1896, No. 26, s. 14.

15. (1.) A separate account showing the expenditure and receipts in connection with any lands surrendered to His Majesty under this Act shall be kept by the Colonial Treasurer.

Separate account to be kept by Colonial Treasurer.
See 1896, No. 26, s. 15.

(2.) In the event of any profit or loss accruing under the operation of this Act, such profit or loss, as the case may be, shall be paid to, or be a charge upon, the Consolidated Revenue of the State.

Profit or loss, how disposed of.

16. When debentures have been issued for the purposes of this Act, all moneys received as the selling price of land forming part of any parcel of land acquired under this Act or any Act hereby repealed shall, except as hereinafter provided, be paid to the credit of a Special Trust Fund, and shall be applied in payment of the interest upon such debentures, and the surplus shall be accumulated to form a fund for redeeming the debentures at maturity.

Appropriation of receipts.
See 1900, No. 26, s. 16.

Provided that if—

- (a.) any Crown land not acquired under this Act is included in any parcel of land selected under this Act; or
- (b.) any interest in land acquired under this Act is less than the fee simple thereof and the selling price has been increased in accordance with the provisions to subsection one of section twelve

the selling price and the instalments thereof shall, subject to regulations to be made under this Act, be duly apportioned and a proportionate part shall be paid to the credit of the Special Trust Fund and a proportionate part to consolidated revenue.

17. The Governor may resume land held under this Act or any Act hereby repealed in the manner and for any of the purposes prescribed in the Land Act, 1898, and the schedules thereto relating to conditional purchase leases of rural lands.

Power to resume.
See 1898, No. 20, s. 6.

18. The Agricultural Bank may grant loans, in accordance with the Agricultural Bank Act, 1906, to a selector of land under this Act, and the said Bank may grant such loans with or without any other security than the interest of the selector in such land.

Selector may borrow from Agricultural Bank.
See 1896, No. 26, s. 19.

Report to be
presented to
Parliament.
1896, No. 24, s. 20.

19. Within thirty days after the meeting of Parliament in each year, a report shall be presented to both Houses of Parliament showing:—

- (a.) The locality and area of each block of land purchased under this Act, the name of the person from whom it was acquired, and the price paid for the same.
- (b.) The report of the Land Purchase Board on each transaction, and the condition and settlement of all land acquired under this Act.

Regulations.
1896, No. 24, s. 21.

20. The Governor may make Regulations for the conduct of the business of the Board, and prescribing fees to be paid to the members thereof, and generally for carrying this Act into effect.

The First Schedule.

Section 2.

Date.	Title.
60 Vict., No. 26	The Agricultural Lands Purchase Act, 1896.
61 Vict., No. 34	The Agricultural Lands Purchase Amendment Act, 1897.
62 Vict., No. 20	The Agricultural Lands Purchase Amendment Act, 1898.
3 Edw. VII., No. 25	The Agricultural Lands Purchase Act Amendment Act, 1904.

The Second Schedule.

Section 13.

Table showing the proportion of principal and interest in each Half-yearly instalment of £3 17s. 9d. (paid in advance) in respect of £100.

Half-year.	Half-yearly rent (in advance).	Principal.	Interest.	Amount of Principal outstanding after each payment.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1st	3 17 9	3 17 9		96 2 3
2nd	3 17 9	1 9 8	2 8 1	94 12 7
3rd	3 17 9	1 10 5	2 7 4	93 2 2
4th	3 17 9	1 11 2	2 6 7	91 11 0
5th	3 17 9	1 11 11	2 5 10	89 19 1
6th	3 17 9	1 12 9	2 5 0	88 6 4
7th	3 17 9	1 13 7	2 4 2	86 12 9
8th	3 17 9	1 14 5	2 3 4	84 18 4
9th	3 17 9	1 15 3	2 2 6	83 3 1
10th	3 17 9	1 16 2	2 1 7	81 6 11
11th	3 17 9	1 17 1	2 0 8	79 9 10
12th	3 17 9	1 18 0	1 19 9	77 11 10
13th	3 17 9	1 18 11	1 18 10	75 12 11
14th	3 17 9	1 19 11	1 17 10	73 13 0
15th	3 17 9	2 0 11	1 16 10	71 12 1
16th	3 17 9	2 1 11	1 15 10	69 10 2
17th	3 17 9	2 3 0	1 14 9	67 7 2
18th	3 17 9	2 4 0	1 13 9	65 3 2
19th	3 17 9	2 5 2	1 12 7	62 18 0
20th	3 17 9	2 6 3	1 11 6	60 11 9
21st	3 17 9	2 7 6	1 10 3	58 4 3
22nd	3 17 9	2 8 7	1 9 2	55 15 8
23rd	3 17 9	2 9 10	1 7 11	53 5 10
24th	3 17 9	2 11 1	1 6 8	50 14 9
25th	3 17 9	2 12 5	1 5 4	48 2 4
26th	3 17 9	2 13 8	1 4 1	45 8 8
27th	3 17 9	2 15 0	1 2 9	42 13 8
28th	3 17 9	2 16 5	1 1 4	39 17 3
29th	3 17 9	2 17 9	1 0 0	36 19 6
30th	3 17 9	2 19 3	0 18 6	34 0 3
31st	3 17 9	3 0 9	0 17 0	30 19 6
32nd	3 17 9	3 2 3	0 15 6	27 17 3
33rd	3 17 9	3 3 10	0 13 11	24 13 5
34th	3 17 9	3 5 5	0 12 4	21 8 0
35th	3 17 9	3 7 0	0 10 9	18 1 0
36th	3 17 9	3 8 8	0 9 1	14 12 4
37th	3 17 9	3 10 5	0 7 4	11 1 11
38th	3 17 9	3 12 2	0 5 7	7 9 9
39th	3 17 9	3 14 0	0 3 9	3 15 9
40th	3 17 9	3 15 9	0 2 0	...
	155 10 0	100 0 0	55 10 0	...