



Western Australia.

ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. XXVI.

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

[Assented to, 27th October, 1896.]

WHEREAS it is desirable to encourage the Cultivation of the Lands near the Railways, and to settle People on 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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. THIS Act may be cited as the Agricultural Lands Purchase Act, 1896.

Short title.

2. THIS Act shall be administered by the Commissioner of Crown Lands, hereinafter called the Minister.

Commissioner of Crown Lands to administer Act.

3. 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 whole Two hundred thousand

Sources of funds, not more than £200,000 for purposes of this Act.

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pounds out of any surplus at his disposal, or out of moneys voted by the Parliament for the purposes of this Act, or out of moneys borrowed (and which the Colonial Treasurer is hereby authorised to borrow) from the funds of the Post Office Savings Bank, at a rate of interest not exceeding four per centum per annum, and secured by any Government securities in accordance with section 20 (b) of the Post Office Savings Bank Consolidation Act, 1893. 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 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 Two hundred thousand pounds.

Acquisition of Land.

Governor may
appoint Land Purchase Board.

4. 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.

Lands may be surrendered in terms of this Act.

5. SUBJECT to the provisions of this Act, the Governor may accept surrenders of land to Her Majesty, for the purposes of this Act, and any owner of land may offer to surrender to Her 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 shall be notified to such owner by letter posted within one month of the date of the receipt of the offer by the Minister: Provided that all such lands be situate within twenty miles of a railway.

Land Purchase Board to report.

6. ANY such offer shall be referred to the Land Purchase Board for their report upon the following matters, that is to say—

- (1.) The fair value of the land to the owner.
- (2.) The demand for land in the neighbourhood for agricultural settlement.
- (3.) The suitability of the land offered for agricultural settlement.
- (4.) The distance from a railway.
- (5.) The probability of the immediate selection of the land.
- (6.) The absence of a sufficient quantity of Crown lands in the neighbourhood available for agricultural settlement.

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7. 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.

Sale of Land.

8. ALL land surrendered to Her 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 this Act.

Disposal of land acquired under this Act.

9. THE Minister may, if he shall think 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 improvement shall be added to the price paid for the land.

Minister may improve lands purchased under this Act.

10. A SUFFICIENT part of the land may be set apart by the Minister with the approval of the Governor for roads, public reserves, townsites, and other purposes as may be found necessary.

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

11. THE remainder of the land shall be proclaimed open to selection under the provisions of this Act and any Regulations made under it, subject to the following conditions:—

Price and conditions on which land is to be sold.

- (1.) The selling price of the land shall be ascertained, by adding a sum equal to one-tenth part of the price actually paid in cash or debentures for the land, and for any improvements made upon it, and the total so arrived at shall be the least aggregate price to be paid by the selectors 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 in twenty yearly instalments, or sooner, if required by the selector.
- (3.) No person under the age of eighteen years shall be eligible to be a selector under this Act, and the maximum quantity held by one person shall not exceed one thousand acres.

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- (4.) The first year's instalment, at the rate of Seven pounds twelve shillings and ten 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 January or the first day of July next preceding the date of the approval of the application.
- (5.) The lessee shall, within two years from the commencement of his lease, fence in at least one-fourth of the quantity contained in his lease, and within five years from the said date shall fence in the whole of the land on the surveyed boundaries, and shall clear and crop at least one-tenth of the land, and within ten years from the said date shall expend upon the land, in improvements prescribed by this Act, an amount equal to the full purchase money, which shall include the cost of the exterior fencing, which shall be of the description prescribed by the Regulations.
- (6.) In the event of the required fencing not being completed at the end of two years or five years, as the case may be, or if the required improvements have not been completed within five years or ten years as the case may be, or if at any time the annual instalment is not paid as required, the lease shall be forfeited to the Crown together with any improvements existing upon it.
- (7.) At the expiration of the lease, or at any time after the commencement of the lease, provided that all the conditions of fencing and improvement have been complied with, and the said fencing and improvement maintained, and also that the full purchase money has been paid, a Crown grant for the land shall issue.
- (8.) If any lessee shall die or be declared a lunatic before the fulfilment of the prescribed conditions of fencing and improvement, his land may, with the approval of the Commissioner, be held by his representatives or their assigns, subject to the fulfilment by them of all unfulfilled conditions; but in trust for, and for the benefit of the persons rightfully entitled.

Where there is more than one applicant for the same land.

12. IF there is more than one applicant for the conditional purchase of the same portion of the land, the Governor shall appoint such persons as he may think fit to select the person to whom the land shall be sold, the preference being given, if other quali-

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fications are equal, to the applicant who gives satisfactory proof of his intention to reside and make his home upon and cultivate the land, and the decision of the persons appointed in that behalf as aforesaid shall be final.

13. THE annual instalment to be paid under this Act by the lessee of any land shall be at the rate of Seven pounds twelve shillings and tenpence for every hundred pounds of the purchase money payable in advance.

Annual instalment.

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 Schedule to this Act.

Includes interest.

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 Schedule to this Act.

Amount to be paid for accelerated purchase.

15. A SEPARATE account showing the expenditure and receipts in connection with any lands surrendered to Her Majesty under this Act shall be kept by the Colonial Treasurer, and 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 Colony.

Separate account to be kept by Colonial Treasurer.

Profit or loss, how disposed of.

Payment of Debentures and Interest.

16. WHEN debentures have been given in payment of the price of land acquired under the provisions of this Act, all moneys received in respect of land selected under this Act and forming part of any parcel of land so acquired shall be paid to the credit of a Special Trust Fund, and shall be applied in payment of the interest upon the debentures issued in respect of such purchase; and the surplus shall be accumulated to form a fund for redeeming the debentures at maturity.

Appropriation of receipts.

Improvements.

17. IMPROVEMENTS under this Act shall include clearing, grubbing, draining, ringbarking, cultivation, sub-division fences, farm buildings, wells of fresh water, dams, tanks, reservoirs, and any other improvement made *bonâ fide* for the purpose of improving the land or increasing the carrying capacity thereof.

What constitutes improvements under this Act.

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General.

Stamp duty not payable. **18.** NO stamp duty shall be chargeable upon or in respect of any contract entered into under this Act.

Selector who has complied with the conditions of improvement may borrow from Agricultural Bank. **19.** THE Manager of the Agricultural Bank may grant loans, in accordance with the Agricultural Bank Act, 1894, and any Acts extending or amending the same, to a selector of land under this Act who shall have fenced in the whole of such land on the surveyed boundaries, and shall have cleared and cropped at least one-tenth of such land, and the said Manager may grant such loans with or without any other security than the interest of the selector in the lands leased.

Report to be presented to Parliament. **20.** 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 or company 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.

Governor may make regulations. **21.** THE Governor may, if he shall think fit, make, repeal, and alter Regulations for the conduct of the business of the Board, and for carrying this Act into effect, and such Regulations shall be published in the *Government Gazette*, and shall be laid before the Parliament within fourteen days after such publication, if the Parliament be then sitting, and otherwise within fourteen days of its next meeting, and when so published shall have the force of law, and shall continue in force, unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Governor's Deputy.

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THE SCHEDULE.

Table showing the proportion of Principal and Interest in each annual instalment of £7 12s. 10d., in respect of £100.

| Year of Payment. | Principal. | Interest. | Total Payments. |
|------------------|------------|-----------|-----------------|
| | £ s. d. | £ s. d. | £ s. d. |
| 1 | 7 12 10 | ... | 7 12 10 |
| 2 | 3 0 6 | 4 12 4 | 7 12 10 |
| 3 | 3 3 6 | 4 9 4 | 7 12 10 |
| 4 | 3 6 9 | 4 6 1 | 7 12 10 |
| 5 | 3 10 1 | 4 2 9 | 7 12 10 |
| 6 | 3 13 6 | 3 19 4 | 7 12 10 |
| 7 | 3 17 3 | 3 15 7 | 7 12 10 |
| 8 | 4 1 1 | 3 11 9 | 7 12 10 |
| 9 | 4 5 1 | 3 7 9 | 7 12 10 |
| 10 | 4 9 4 | 3 3 6 | 7 12 10 |
| 11 | 4 13 10 | 2 19 0 | 7 12 10 |
| 12 | 4 18 7 | 2 14 3 | 7 12 10 |
| 13 | 5 3 5 | 2 9 5 | 7 12 10 |
| 14 | 5 8 7 | 2 4 3 | 7 12 10 |
| 15 | 5 14 0 | 1 18 10 | 7 12 10 |
| 16 | 5 19 9 | 1 13 1 | 7 12 10 |
| 17 | 6 5 9 | 1 7 1 | 7 12 10 |
| 18 | 6 12 0 | 1 0 10 | 7 12 10 |
| 19 | 6 18 7 | 0 14 3 | 7 12 10 |
| 20 | 7 5 7 | 0 7 3 | 7 12 10 |
| | 100 0 0 | 52 16 8 | 152 16 8 |