

LEGISLATION

THE STATUTES AMENDMENT ACT, 1946

Various amendments of the Land Act, 1924, are contained in sections 40 to 44 of the Statutes Amendment Act, 1946.

Section 40 amends section 107 of the Land Act by providing that the acquisition of any particular land may be authorized by Order in Council, notwithstanding the restrictions imposed by the latter section. Experience has shown the limitation of the area that may be held by any person (5,000 acres of third-class land and correspondingly lesser areas of second- and first-class land) to be too rigid, but it will now be possible to deal with cases that arise from time to time where it would be desirable and in the public interest to allow some modification of the area restrictions.

Section 41 contains special provisions for the disposal of town, suburban, and village lands for residential purposes, and its effect generally is to bring the law relating to the sale or leasing of residential allotments into accord with present-day requirements.

Section 42 gives to lessees and licensees of town, suburban, and village lands the same right to apply for revaluation as has been enjoyed by lessees of rural land for many years.

Section 43 extends to the wives of servicemen or discharged servicemen the privileges of preference at ballots and facilities for selection without competition, previously limited to discharged servicemen and the widows of servicemen or discharged servicemen.

Section 44 provides for the sale (either for cash or on deferred payments) of Crown land without competition to discharged servicemen or the wives or widows of servicemen or discharged servicemen.

THE SERVICEMEN'S SETTLEMENT AND LAND SALES AMENDMENT ACT, 1946

This measure contains seventeen sections. Some of them are designed to improve the working of the original Act, and can fairly be described as being of a more or less machinery nature. There are, however, some important provisions which call for mention.

Sections 2 to 7 enact as law, though with some changes, the Servicemen's Settlement and Land Sales Emergency Regulations 1946, which were issued under the Emergency Regulations Act, 1939, on the 12th June, 1946, for the purpose of enforcing a stricter measure of control over sales of land and other transactions requiring the consent of the Land Sales Court, and which were sometimes referred to as the "Black Market" Regulations. The regulation gave to any person who had paid an amount in excess of the price approved by the Court the right to sue for its recovery as a debt due to him by the person who received the payment. This provision has been deleted, and in its place *section 4* of the new Act provides that, under certain circumstances, excess consideration may be recovered as a fine, the whole or any part of which may, by Magisterial order, be awarded to the purchaser.

Section 8 provides that Part III of the Act, relating to the control of sales and leases of land, shall apply to contracts for the sale of personal property or the execution of any works or the erection of any building, the object being to ensure that contracts or agreements linked in any way with transactions in respect of the sale or lease of property are to be regarded as integral parts of these transactions and thus subject to control.

Section 9 provides that a Land Sales Committee when dealing with a transaction may treat as part of the consideration any money already paid or agreed to be paid as rent or as a premium for the granting of a lease or option. If in any such case an order of consent is issued, that order may be made subject to the condition that any part of the rental or premium payments shall be deemed to have been paid or agreed to be paid as part of the consideration. The Committee must be perfectly satisfied that excessive rental or other payments have been made before those payments can be treated as part of the consideration for the transaction.

Section 10 gives the police power to inspect or to demand the production of books, records, &c., in any case where there is reason to suspect an offence against Part III of the Act, and for that purpose to enter any building or office. The powers of entry and search are not to be exercised except under the authority of a warrant granted by a Magistrate.