

PAPUA.



No. II. of 1917.

AN ORDINANCE

To Amend the "Land Ordinance, 1911-1913."

[RESERVED 9TH AUGUST, 1916;

*ASSENTED TO 21ST FEBRUARY, 1917.]

BE it enacted by the Lieutenant-Governor of the Territory of Papua, with the advice and consent of the Legislative Council thereof as follows:—

1. (1) This Ordinance may be cited as the *Land Ordinance, 1916*. Citation.

(2) The *Land Ordinance, 1911-1913*, is in this Ordinance referred to as the Principal Ordinance.

(3) The Principal Ordinance as amended by this Ordinance may be cited as the *Land Ordinance, 1911-1916*.

* The Governor-General's assent notified in *Gazette* No. 6 of 2nd May, 1917.

Amendment
of s. 18 of the
Principal
Ordinance.

Unimproved
value of land
to be assessed.
Cf. V. of 1906,
s. 13 and V of
1912, s. 18.

2. Section 18 of the Principal Ordinance is repealed and the following section is inserted in lieu thereof :—

- “ 18. (1) So soon as may be after the passing of this Ordinance and thereafter from time to time as the Lieutenant-Governor thinks advisable an assessment shall be made of the unimproved value of such of the unassessed land of the Territory as has not been alienated by the Crown and is capable of assessment.
- “(2) The assessment shall be published in the *Gazette* and shall subject to the provisions of this Ordinance be the basis on which rents shall be determined.
- “(3) Until such assessment is made the assessment made under the provisions of Section 13 of *The Land Ordinance of 1906* hereby repealed made on the 28th November, 1906, and published in the *Gazette* of 19th December, 1906, shall be deemed to have been made and published under the *Land Ordinance, 1911*, immediately after the commencement thereof.
- “(4) Land which has been or may hereafter be acquired by purchase or lease by the Lieutenant-Governor from the native owners under the provisions of Section 5, land which has been acquired or may hereafter be acquired as Crown Land by declaration under the provisions of Section 8 of this Ordinance, and land which by reason of its having been alienated by the Crown has not been heretofore assessed and which may have heretofore since reverted or may hereafter revert to the Crown shall in the absence of any other assessment thereof be subject as from the date of such acquisition or reversion to the assessment existing at the time being and made or deemed to have been made under this Ordinance in respect of lands of the same class or description.
- “(5) The unimproved value of a piece of land shall be taken to be the sum which the land might reasonably be expected to realise if all the improvements on the land were removed and it were sold without them.”

3. Section 23 of the Principal Ordinance is amended Amendment of s. 23 of Principal Ordinance.

(a) by omitting the words "an agricultural lease or a pastoral," and substituting the word "a" in lieu thereof; and

(b) by omitting all the words from and including the words "except on completion" to the end of the section and inserting in their stead the words:

"(a) if the lease is not executed by the applicant within six months after the publication of a notice in the *Gazette* that the lease is ready for execution by him; or

"(b) if any of the improvement conditions to which the land comprised in the lease may be subject and which are thereby required to be completed within five years or any less period are not so completed."

4. Section 24 of the Principal Ordinance is amended Amendment of s. 24 of Principal Ordinance. by adding at the end thereof the words "Such fees shall accompany the application for the lease."

5. Section 25 of the Principal Ordinance is amended Amendment of s. 25 of Principal Ordinance. by inserting after sub-section (3) thereof the following new sub-section:—

"(3A) Rent determined as aforesaid shall be immediately payable in respect of agricultural leases granted in the circumstances set out in Section 41A of this Ordinance. All the provisions of sub-section (2) of this section shall apply to agricultural leases granted in the circumstances referred to in this sub-section or any of them, except the provision that no rent shall be payable for the first period of ten years."

6. Section 30 of the Principal Ordinance is amended Amendment of s. 30 of Principal Ordinance.

(a) by omitting all the words from and including the words "(1) Agricultural improvements" to and including the words "so planted as aforesaid" and inserting in their stead the following:

“(1) Agricultural improvements shall be as follows:—Of the land suitable for cultivation the following proportions shall be planted with plants to be approved by regulation under this Ordinance in a good and husbandlike manner:—

“(a) One fifth in the first period of five years of the term;

“(b) Two fifths in the first period of ten years of the term;

“(c) Three fourths in the first period of twenty years of the term;

and the proportions respectively to be so planted shall from the expiration of each such period be kept so planted during the remainder of the term of the lease.”

(b) by inserting at the end of the section the following new paragraph:—

“Notwithstanding anything contained in this Ordinance the provisions of this section shall apply as well to leases of land of “Class A” and land of “Class B” granted under *The Land Ordinance of 1906* hereby repealed as to land comprised in agricultural and pastoral leases heretofore or hereafter granted under this Ordinance.”

7. After Section 41 of the Principal Ordinance the following new section is inserted:—

“41A. Any lessee of land comprised in a lease granted under the provisions of *The Crown Land Ordinance of 1890* (No VII of 1890) or *The Land Ordinance of 1899* (No. IV of 1899) who has performed and observed the covenants and conditions contained therein or imposed by the Ordinance under which the lease was granted may with the permission of the Lieutenant-Governor surrender his lease and obtain a new lease under the provisions of this Ordinance for the same or the like purposes

Leases under former Ordinances may be surrendered.

as the surrendered lease and for such term inclusive of the unexpired term of the surrendered lease as the Lieutenant-Governor may in either case approve."

8. Section 46 of the Principal Ordinance is amended by inserting after the words "so ascertained shall" the words "except in such cases where the Lieutenant-Governor orders otherwise, either."

Amendment
of s. 46 of
Principal
Ordinance.

Assented to by His Excellency the Governor-General, with the advice of the Executive Council of the Commonwealth of Australia, on the twenty-first day of February, One thousand nine hundred and seventeen.

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