

TRANSFER OF LAND CONTROL ORDINANCE 1924-1930.⁽¹⁾

An Ordinance to control Dealings with Land.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1. This Ordinance may be cited as the *Transfer of Land Control Ordinance 1924-1930*.⁽¹⁾

Short title.
Amended by
No. 3 of 1934,
s. 50.

2. This Ordinance shall commence on a date to be fixed by the Administrator by notice in the *New Guinea Gazette*.⁽¹⁾

Commencement.

3. In this Ordinance, unless the contrary intention appears, "Land" includes any estate or interest in land (legal or equitable) and any easement, right, power or privilege over in or in connexion with land.

Definition.

4.—(1.) Notwithstanding anything contained in any law in force in the Territory, no person shall, without the approval in writing of the Administrator—

Land not transferable without approval of Administrator.

- (a) transfer or enter into any contract or agreement for the transfer of any land;
- (b) give a mortgage of any land; or
- (c) grant a lease of, or an easement, right, power or privilege over, in, or in connexion with any land.

(1) The *Transfer of Land Control Ordinance 1924-1930* comprises the *Transfer of Land Control Ordinance 1924*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
<i>Transfer of Land Control Ordinance 1924</i> (No. 17 of 1924)	2.4.1924	3.4.1924	1.8.1924 (<i>N.G. Gaz.</i> of 31.7.1924)
<i>Transfer of Land Control Ordinance</i> (No. 2) 1924 (No. 33 of 1924)	17.9.1924	18.9.1924	18.9.1924 (<i>Cwlth. Gaz.</i> of 18.9.1924)
<i>Transfer of Land Control Ordinance 1927</i> (No. 26 of 1927)	13.7.1927	14.7.1927	14.7.1927 (<i>Cwlth. Gaz.</i> of 14.7.1927)
<i>Transfer of Land Control Ordinance 1928</i> (No. 14 of 1928)	25.7.1928	26.7.1928	26.7.1928 (<i>Cwlth. Gaz.</i> of 26.7.1928)
<i>Transfer of Land Control Ordinance 1930</i> (No. 1 of 1930)	9.1.1930	23.1.1930	23.1.1930 (<i>Cwlth. Gaz.</i> of 23.1.1930)

LAND—

(2.) Any transfer, contract, agreement, mortgage, lease, easement, right, power or privilege, made, entered into or granted in contravention of this section shall be void and of no effect:

Proviso added by No. 1 of 1930, s. 2.

Provided that this section shall not apply to any transfer, contract, agreement, mortgage, lease, easement, right, power or privilege made, entered into or granted in contravention of this section where the Administrator in writing declares that he is satisfied that such contravention was due to inadvertence and subsequently gives his consent to the transaction in question.

Sub-section (3) added by No. 33 of 1924, s. 2; amended by No. 26 of 1927, s. 2.

(3.) Notwithstanding anything contained in this section this section shall not be deemed to have been contravened in any case where a person enters into a contract or agreement for the carrying out of any of the transactions mentioned in paragraph (a), (b) or (c) of sub-section (1.) of this section if the contract or agreement—

- (a) is expressed to be subject to the approval of the Administrator; and
- (b) provides that, unless and until that approval is given, the contract or agreement shall have no force or effect.

Approvals requiring Ministerial consent.

Section 5 added by No. 26 of 1927, s. 3; amended by No. 14 of 1928, s. 2.

5. The approval of the Administrator to any transaction mentioned in the last preceding section shall not, unless the consent in writing of the Minister⁽²⁾ be first obtained, be given under this Ordinance where, in the opinion of the Administrator, the result or effect of the transaction would be—

- (a) that any person would have a legal or equitable interest of any kind in land in New Guinea which land is in the opinion of the Administrator of a value of more than Two hundred and fifty thousand pounds, or
- (b) that a person having such an interest would acquire an additional interest in land.

(2) Section 4 of the *Ordinances Interpretation Ordinance 1934-1941* provides that in any Ordinance "unless the contrary intention appears—'Minister' means the Minister of State for the time being administering the *New Guinea Act 1920-1932*."