

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 14, 1927.

An Act to provide for the relief of certain settlers; to provide for the revision of certain indebtedness to the Crown in respect of certain cases under the Closer Settlement Acts; to provide for the redetermination of the price or value of settlement purchases; to make further provision regarding the subdivision of holdings under the said Acts and the acquisition of additional holdings; and for these and other purposes to amend the Closer Settlement Act, 1904, the Returned Soldiers Settlement Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 17th February, 1927.]

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Closer Settlement and Returned Soldiers Settlement (Amendment)

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the "Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927," and shall be read and construed with the Closer Settlement Acts.

Amendment
of Closer
Settlement
Acts.

Appraise-
ment of price
or value.

2. (1) The holder of any settlement purchase the title to which commenced before the passing of this Act may apply to have the capital value of the land comprised therein determined in pursuance of the provisions of this section.

(2) The holder of any land acquired under the Closer Settlement (Amendment) Act, 1919, may, if he considers the charge of purchase money excessive, apply to have the value of his land and the amount of such charge determined.

(3) Any application made in pursuance of this section shall be made in the form and shall be accompanied by the declaration and fee prescribed by regulation made under the Closer Settlement Acts.

(4) An application under subsection one of this section may be made within two years from the commencement of this Act, or where the settlement purchase has been applied for before the commencement of this Act but the application therefor has not been allowed before such commencement, then within two years after the allowance of the settlement purchase.

(5) An application under subsection two of this section shall be made within two years from the commencement of this Act.

(6) An application lodged in pursuance of this section shall be dealt with by the local land board or by a board constituted under the Returned Soldiers Settlement Act, 1916, which board shall have the powers of a local land board.

(7)

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(7) The price or value of the settlement purchase shall be determined as at the date of application for determination having regard to the same factors as those required by the regulations under the Closer Settlement Acts to be taken into consideration when determining the sale values of lands comprised in any settlement purchase area but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

(8) The board shall determine the freehold value of any land subject to a charge as at the date of application for determination but assuming that any improvements effected on such land since the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, do not exist.

The amount of the charge shall be determined by deducting from the appraised freehold value so determined—

(a) the amount which was required to make the holding freehold at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919; and

(b) the amount, if any, paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.

(9) The board's determination under this section shall be subject to appeal by the applicant or reference by the Minister to the Land and Valuation Court in the same manner and within the same time as is provided for cases of appeal under section nineteen or as is provided for cases of reference under section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

(10) The balance of purchase money owing on any settlement purchase and the balance owing on any charge of purchase money created under the Closer Settlement (Amendment) Act, 1919, at the date of application for determination shall be adjusted in cases where the land is not subject to a charge in accordance with the amount of the capital value finally determined

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determined under this section less the amount paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined.

All amounts, inclusive of interest payable in respect of the land or charge up to the date for payment last preceding the date of application for determination, shall be paid as if this section had not been passed.

All amounts thereafter payable in respect of the land or charge shall be adjusted in accordance with the price or amount of charge of purchase money determined under this section.

Where any unpaid interest payable by the holder has been added to the purchase money or charge of purchase money under any Act or regulation, nothing in this section shall be taken to relieve the holder from the operations of such Act or regulation in this regard.

(11) If on any inquiry under this section it appears that the value of the land has become reduced by any act, default, or neglect of the holder thereof or by his acquiescence in the act, default, or neglect of any other person, or that the improvements existing on such land at the date of commencement of title thereto or of the creation of the charge of purchase money thereon, as the case may be, have become depreciated, the value of the land shall be determined as if such reduction or depreciation had not taken place.

(12) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the board upon payment of the actual costs incurred in dealing with the application.

(13) An application under subsection one of this section shall include all settlement purchases held by the applicant at the date of the application in respect of which he has a right of determination under this section.

(14)

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(14) No determination of the value of a settlement purchase under this section shall be made if in the opinion of the local land board the lands held by the applicant together with the area sought to be appraised substantially exceed a home maintenance area.

For the purposes of this subsection any land held by the spouse of the applicant shall be deemed to be held by the applicant.

(15) Regulations may be made under the Closer Settlement Acts for giving effect to this section.

3. The Closer Settlement Act, 1904, is amended as follows :—

- (a) (i) by inserting in section four at the end of the definition of the word "acquired" the words "or acquired by transfer under the provisions of the Closer Settlement (Amendment) Act, 1919"; Amendment of Act No. 37, 1904.
Sec. 4.
(Definition acquired.)
- (ii) by omitting from the same section from the definition of the term "Crown lands" the words and figures "Crown Lands Act of 1884" and by inserting in lieu thereof the words and figures "Crown Lands Consolidation Act, 1913"; *Ibid.*
(Crown lands.)
- (iii) by omitting from the same section the words "Land Appeal Court";
- (b) by omitting from section eight the word "such" and by inserting in lieu thereof the words "any private"; Sec. 8.
(Contracts.)
- (c) by omitting from subsection one of section eighteen the words "the Closer Settlement Board" and by inserting in lieu thereof the words "a Closer Settlement Advisory Board"; Sec. 18.
(Price.)
- (d) (i) by omitting from paragraph (a) of section twenty-six the words "in the opinion of the local land board"; Sec. 26.
(Qualification.)
- (ii) by inserting next after paragraph (c) of the same section the following new paragraph:—
 - (c1) Any person who has applied for and obtained a title to a settlement purchase either before or after the commencement of the Closer Settlement and

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and Returned Soldiers Settlement (Amendment) Act, 1927, and who no longer holds the same may with the consent of the Minister in writing previously had apply for another settlement purchase.

Sec. 28.
(Land Appeal
Court.)

- (e) by omitting from section twenty-eight the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court";

Sec. 29.
(Residence.)

- (f) (i) by omitting from paragraph (b) of subsection one of section twenty-nine the words "twelve months" and by inserting in lieu thereof the words "six months";

Ibid.

- (ii) by inserting at the end of the same section the following new subsection :—

Deferring of
payments.

(4) Upon application, the Minister may at any time defer the payment of any amount due, or to become due within twelve months from the date of the application, on any holding for any period not exceeding five years, subject to the performance of any conditions he may deem fit to impose, and if the conditions so imposed or any of them are or is not duly performed the concession granted by the Minister shall cease to operate.

Any payment so deferred shall bear interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and such interest shall, if the Minister so directs, be payable on such dates as he may determine.

The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the rate aforesaid.

In any case where the Minister is satisfied that the circumstances warrant it, he may remit the payment of such interest wholly or in part.

(g)

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- (g) (i) by omitting from section thirty the words Sec. 30.
 “No person unless qualified under section (Restriction on purchase.)
 twenty-six hereof shall make or acquire by
 transfer or otherwise a settlement purchase
 under this Act, nor shall any person who-
 soever make, hold, or acquire more than
 one settlement purchase, except where the
 settlement purchase already held by such
 person is less than a home maintenance
 area. In such case the holder may acquire
 a second settlement purchase if in the
 opinion of the Minister the combined
 area does not substantially exceed a home
 maintenance area” and by inserting in
 lieu thereof the following words:—

“Subject to this section no person unless
 qualified under section twenty-six of this
 Act shall acquire by transfer or otherwise
 a settlement purchase.

Any person who has acquired by transfer
 or otherwise a settlement purchase either
 before or after the commencement of the
 Closer Settlement and Returned Soldiers
 Settlement (Amendment) Act, 1927, and
 no longer holds the same may, with the
 consent of the Minister, and if qualified
 under section twenty-six, acquire by transfer
 or otherwise other settlement purchases.

A person who already holds one or more
 settlement purchases comprising less than
 a home maintenance area may, with the
 consent of the Minister, acquire by transfer
 other settlement purchases, but in no case
 shall consent be given where in the opinion
 of the Minister the land held by such
 person together with the land sought to be
 acquired would substantially exceed a home
 maintenance area.”

- (ii) by inserting the following words at the end
 of the same section:—

“It shall be competent for two or more
 persons who are not subject jointly or
 severally

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severally to any disqualification in that behalf specified in this Act or any Act amending the same, to acquire a settlement purchase by transfer, but only after the issue of the certificate of the fulfilment of conditions other than that of payment of purchase money."

Sec. 31.
(Transfer and
mortgage.)

(h) by omitting from section thirty-one the words :—

"The provisions of this section shall apply to any transfer of land acquired under the Closer Settlement Acts or the Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued or whether the land was acquired as a settlement purchase before or after the commencement of the Closer Settlement (Amendment) Act, 1918; and in every case the transferee of such land shall require to be a person who is qualified to hold a settlement purchase.

Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant"

and by inserting in lieu thereof the following words :—

"The provisions of this section shall apply to any transfer, conveyance, assignment or other disposition of land applied for or acquired as a settlement purchase under the Closer Settlement Acts or Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued, or whether the settlement purchase was made or acquired before or after the commencement of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927.

In every case the transferee of any such land shall require to be a person who is qualified to acquire a settlement purchase.

Such

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Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant, nor to the transfer of land comprised in a subdivision of a settlement purchase after issue of the grant if the Minister has consented to the subdivision.

Where the consent of the Minister to the subdivision has been registered the restrictions as to transfer to which the grant before subdivision was subject shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

The consent of the Minister to a subdivision shall be in the form prescribed by regulations under this Act, and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919.

- (i) by omitting from section thirty-five the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court"; Sec. 35.
(Land Appeal Court.)
- (j) by inserting in section thirty-six after the word "forfeiture" where first occurring the words "upon default in payment of any instalments of purchase money or interest or"; Sec. 36.
- (k) by omitting from section forty-two the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court"; Sec. 42.
(Land Appeal Court.)
- (l) by omitting from section fifty-two the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court"; Sec. 52.
(Regulations.)
- (m) by omitting section fifty-three and by inserting in lieu thereof the following new section:— Sec. 53.

53. The Governor may make regulations for carrying out the provisions of this Act. (Regulations.)

The

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The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

Amendment
of Act No. 12,
1907.

4. The Closer Settlement (Amendment) Act, 1907, is amended as follows :—

Sec. 10.
(Court.)

- (a) by omitting from section ten the words “a court constituted as provided in section eighteen of the Principal Act” and by inserting in lieu thereof the words “the Land and Valuation Court”;
- (b) by inserting next after section ten the following new section :—

New s. 10A.

Resumption
may be
discontinued
by the
Minister.

10A. When any resumption is made under the Closer Settlement Acts and compensation for such resumption is payable, the Minister shall for a period of one month after the amount of such compensation has been finally determined by the Land and Valuation Court have the right to elect whether the Crown will pay such amount or discontinue such resumption.

If the Minister, after determination of value by the Land and Valuation Court, elects to continue such resumption, the owner shall be entitled to remain in occupation under conditions to be approved by the Minister for a period

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period of not more than twelve months after the decision of the Minister has been communicated to such owner.

Within fourteen days thereafter the owner shall notify to the Minister the period for which he desires to obtain the use of the land. During such period the owner shall effectively safeguard all improvements and at the expiration of such period shall give vacant and peaceful possession.

If the Minister before the expiration of the aforesaid period of one month, by notification in the Gazette, elects to discontinue such resumption, the proclamation of the resumption and all proceedings thereon or thereafter relating to the resumption shall be treated as a nullity; and in any case where the Minister so elects, no further proclamation or notification under sections four or five of this Act shall be made for a period of five years from the date of such election.

The claimant shall be entitled to payment of the proper costs and expenses incurred up to the date of the discontinuance and the amount thereof shall, when necessary, be fixed by the Land and Valuation Court.

- (c) by inserting in section eighteen the following new words :—

Sec. 18.
(Regulations.)

“ The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any

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any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or any part thereof, such regulation or part shall thereupon cease to have effect."

Amendment
of Act No. 21,
1909.
Sec. 25.
Regulations.

5. The Closer Settlement (Amendment) Act, 1909, is amended by omitting section twenty-five and by inserting in lieu thereof the following new section :—

25. The Governor may make regulations for carrying out the provisions of this Act.

The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations ;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

Amendment of
Act No. 74, 1912.

6. The Closer Settlement (Amendment) Act, 1912, is amended as follows :—

Subsections
(3) and (5) of s. 4.
(Land Appeal
Court.)

Sec. 8.
(Regula-
tions.)

- (a) by omitting the words " Land Appeal Court " wherever occurring and by inserting in lieu thereof the words " Land and Valuation Court " ;
- (b) by omitting from section eight the words " a copy of such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay " and by inserting in lieu thereof the words—

" The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations ;

(c)

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- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect."

7. The Closer Settlement (Amendment) Act, 1914, Amendment of Act No. 7, 1914 is amended as follows:—

- (a) (i) by omitting from section four the words Sec. 4.
 "of twenty-five per centum of the upset (After-
 price" and by inserting in lieu thereof the auction sale
 words "in accordance with the terms and or lease.)
 conditions which were notified in the
 Gazette in connection with the aforesaid
 offering at auction or tender";
- (ii) by omitting from the same section the
 words "in connection with the aforesaid
 offering at auction";
- (b) by omitting from subsection one of section Secs. 7 and 22
 seven and from section twenty-two the words (Land Appeal
 "Land Appeal Court" and by inserting in Court.)
 lieu thereof the words "Land and Valuation
 Court."

8. The Closer Settlement (Amendment) Act, 1916, Amendment of Act No. 53, 1916, s. 11. is amended as follows:—By omitting from section eleven the words "who was previously the subject of an (Alien
 allied power or if the subject of a neutral power has applicants.)
 served with the military or naval forces of His Majesty
 in the war of 1914–1919"; and by omitting from the
 same section the words "of such allied or neutral
 power."

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Amendment
of Act No. 46,
1919.

Sec. 12.
(Charge of
purchase
money.)

9. The Closer Settlement (Amendment) Act, 1919, is amended as follows:—

(a) by adding at the end of section twelve the following words:—

“Any grant of land upon which such charge subsists shall be issued with a memorandum endorsed thereon of the amount then due in respect of the charge, and the certificate of the Minister that the charge has been paid may be registered and upon registration shall operate to free the land from the charge”;

Sec. 13.

(b) by inserting in section thirteen the following new subsection:—

(2) This section shall extend to a case in which the grant has been issued subject to a charge under section twelve of this Act.

Sec. 15.

(c) by inserting in section fifteen after the words “published in the Gazette” the words “and shall take effect from the date of such publication or from a later date to be specified in the regulations.”

Amendment
of Act No. 21,
1916.

Sec. 3A.

10. The Returned Soldiers Settlement Act, 1916, is amended as follows:—

(a) by inserting in section 3A after the words “discharged soldier” the words “or to any person whether a discharged soldier or not who has been employed continuously for a period of not less than twelve months on any settlement for a group of discharged soldiers as inspector, manager, overseer, orchardist, or in any other similar capacity”;

Sec. 19 (3c).

(b) (i) by omitting from subsection (3c) of section nineteen the words “in accordance with the amount of the price or capital value or charge of purchase money finally determined under this section” and by inserting in lieu thereof the words “in cases where the land is not subject to a charge in accordance with the amount of the capital value finally determined under this section less the amount paid by the purchaser to the vendor

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vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined";

- (ii) by adding at the end of the same subsection the following words "Adjustments on the basis provided in this subsection shall be made in cases where the application for determination of the price or capital value was made prior to the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, as well as in cases where applications are made in pursuance of that Act."

11. The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed. Repeals
Schedule.

SCHEDULE.

Sec. 11.

Number of Act.	Short Title.	Extent of repeal.
1909, No. 21 ...	Closer Settlement (Amendment) Act, 1909.	(a) Section seven. (b) So much of section eleven as inserted subsection two in section twenty-nine of the Closer Settlement Act, 1904.
1916, No. 53 ...	Closer Settlement (Amendment) Act, 1916.	Subsection two of section eight.
1918, No. 48 ...	Closer Settlement (Amendment) Act, 1918.	So much of section twenty-two as amended sections thirty and thirty-one of the Closer Settlement Act, 1904.
1919, No. 46 ...	Closer Settlement (Amendment) Act, 1919.	So much of section sixteen and of the Schedule to the Act as amended the Closer Settlement (Amendment) Act, 1916.

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By Authority :

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CLOSER SETTLEMENT AND RETURNED SOLDIERS
SETTLEMENT (AMENDMENT) BILL, 1927.

27. 190

Further Explanatory Memorandum.

Special Note :- Explanatory memoranda originally prepared indicate the alterations which were proposed to be made in the Closer Settlement and Returned Soldiers Settlement Acts.

Further amendments in the Bill have since been made by the Legislative Assembly, consequently some explanations will need to be read in conjunction with the later amendments, of which the principal are as follow :-

Reference to Printed Bill.

Amendments by Legislative Assembly.

Page 2, Clause 2, end of
sub-section (3)

The following words were
omitted :-

"If the land or any part
thereof be subject to a
mortgage, the mortgagee
shall join in the appli-
cation."

Page 2, Clause 2, Line 25
" 29
" 32

The words -
"two years" were substituted
for "twelve months"

Page 10, Clause 4, Line 36.

After the word "resumption"
the following words were
inserted : "If the Minister,
after determination of value
by the Land and Valuation
Court elects to continue such
resumption, the owner shall
be entitled to remain in
occupation under conditions to
be approved by the Minister
for a period of not more than
twelve months after the decision
of the Minister has been
communicated to such owner.

Within fourteen days there-
after the owner shall notify
to the Minister the period for
which he desires to obtain the
use of the land. During such
period the owner shall effec-
tively safeguard all improve-
ments and at the expiration of
such period shall give vacant
and peaceful possession."

The year of the Bill has been altered from 1926 to 1927.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 February, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. 14, 1927.

An Act to provide for the relief of certain settlers; to provide for the revision of certain indebtedness to the Crown in respect of certain cases under the Closer Settlement Acts; to provide for the redetermination of the price or value of settlement purchases; to make further provision regarding the subdivision of holdings under the said Acts and the acquisition of additional holdings; and for these and other purposes to amend the Closer Settlement Act, 1904, the Returned Soldiers Settlement Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 17th February, 1927.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Closer Settlement and Returned Soldiers Settlement (Amendment).

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927," and shall be read and construed with the Closer Settlement Acts.

Amendment
of Closer
Settlement
Acts.

Appraise-
ment of price
or value.

2. (1) The holder of any settlement purchase the title to which commenced before the passing of this Act may apply to have the capital value of the land comprised therein determined in pursuance of the provisions of this section.

(2) The holder of any land acquired under the Closer Settlement (Amendment) Act, 1919, may, if he considers the charge of purchase money excessive, apply to have the value of his land and the amount of such charge determined.

(3) Any application made in pursuance of this section shall be made in the form and shall be accompanied by the declaration and fee prescribed by regulation made under the Closer Settlement Acts.

(4) An application under subsection one of this section may be made within two years from the commencement of this Act, or where the settlement purchase has been applied for before the commencement of this Act but the application therefor has not been allowed before such commencement, then within two years after the allowance of the settlement purchase.

(5) An application under subsection two of this section shall be made within two years from the commencement of this Act.

(6) An application lodged in pursuance of this section shall be dealt with by the local land board or by a board constituted under the Returned Soldiers Settlement Act, 1916, which board shall have the powers of a local land board.]

(7)

Closer Settlement and Returned Soldiers Settlement (Amendment).

(7) The price or value of the settlement purchase shall be determined as at the date of application for determination having regard to the same factors as those required by the regulations under the Closer Settlement Acts to be taken into consideration when determining the sale values of lands comprised in any settlement purchase area but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

(8) The board shall determine the freehold value of any land subject to a charge as at the date of application for determination but assuming that any improvements effected on such land since the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, do not exist.

The amount of the charge shall be determined by deducting from the appraised freehold value so determined—

- (a) the amount which was required to make the holding freehold at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919; and
- (b) the amount, if any, paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.

(9) The board's determination under this section shall be subject to appeal by the applicant or reference by the Minister to the Land and Valuation Court in the same manner and within the same time as is provided for cases of appeal under section nineteen or as is provided for cases of reference under section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

(10) The balance of purchase money owing on any settlement purchase and the balance owing on any charge of purchase money created under the Closer Settlement (Amendment) Act, 1919, at the date of application for determination shall be adjusted in cases where the land is not subject to a charge in accordance with the amount of the capital value finally determined.

4
Act No. 14, 1927.

Closer Settlement and Returned Soldiers Settlement (Amendment).

determined under this section less the amount paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined.

All amounts, inclusive of interest payable in respect of the land or charge up to the date for payment last preceding the date of application for determination, shall be paid as if this section had not been passed.

All amounts thereafter payable in respect of the land or charge shall be adjusted in accordance with the price or amount of charge of purchase money determined under this section.

Where any unpaid interest payable by the holder has been added to the purchase money or charge of purchase money under any Act or regulation, nothing in this section shall be taken to relieve the holder from the operations of such Act or regulation in this regard.

(11) If on any inquiry under this section it appears that the value of the land has become reduced by any act, default, or neglect of the holder thereof or by his acquiescence in the act, default, or neglect of any other person, or that the improvements existing on such land at the date of commencement of title thereto or of the creation of the charge of purchase money thereon, as the case may be, have become depreciated, the value of the land shall be determined as if such reduction or depreciation had not taken place.

(12) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the board upon payment of the actual costs incurred in dealing with the application.

(13) An application under subsection one of this section shall include all settlement purchases held by the applicant at the date of the application in respect of which he has a right of determination under this section.

(14)

Closer Settlement and Returned Soldiers Settlement (Amendment).

(14) No determination of the value of a settlement purchase under this section shall be made if in the opinion of the local land board the lands held by the applicant together with the area sought to be appraised substantially exceed a home maintenance area.

For the purposes of this subsection any land held by the spouse of the applicant shall be deemed to be held by the applicant.

(15) Regulations may be made under the Closer Settlement Acts for giving effect to this section.

3. The Closer Settlement Act, 1904, is amended as follows:—

- (a) (i) by inserting in section four at the end of the definition of the word "acquired" the words "or acquired by transfer under the provisions of the Closer Settlement (Amendment) Act, 1919"; Amen e of Act No. 37, 1904. Sec. 4. (Definition acquired.)
- (ii) by omitting from the same section from the definition of the term "Crown lands" the words and figures "Crown Lands Act of 1884" and by inserting in lieu thereof the words and figures "Crown Lands Consolidation Act, 1913"; Ibid. (Crown lands.)
- (iii) by omitting from the same section the words "Land Appeal Court";
- (b) by omitting from section eight the word "such" and by inserting in lieu thereof the words "any private"; Sec. 8. (Contracts.)
- (c) by omitting from subsection one of section eighteen the words "the Closer Settlement Board" and by inserting in lieu thereof the words "a Closer Settlement Advisory Board"; Sec. 18. (Price.)
- (d) (i) by omitting from paragraph (a) of section twenty-six the words "in the opinion of the local land board"; Sec. 26. (Qualification.)
- (ii) by inserting next after paragraph (c) of the same section the following new paragraph:—
 - (c1) Any person who has applied for and obtained a title to a settlement purchase either before or after the commencement of the Closer Settlement and

Closer Settlement and Returned Soldiers Settlement (Amendment).

and Returned Soldiers Settlement (Amendment) Act, 1927, and who no longer holds the same may with the consent of the Minister in writing previously had apply for another settlement purchase.

Sec. 28.
(Land Appeal
Court.)

- (e) by omitting from section twenty-eight the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court";

Sec. 29.
(Residence.)

- (f) (i) by omitting from paragraph (b) of subsection one of section twenty-nine the words "twelve months" and by inserting in lieu thereof the words "six months";

Ibid.

- (ii) by inserting at the end of the same section the following new subsection:—

Deferring of
payments.

(4) Upon application, the Minister may at any time defer the payment of any amount due, or to become due within twelve months from the date of the application, on any holding for any period not exceeding five years, subject to the performance of any conditions he may deem fit to impose, and if the conditions so imposed or any of them are or is not duly performed the concession granted by the Minister shall cease to operate.

Any payment so deferred shall bear interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and such interest shall, if the Minister so directs, be payable on such dates as he may determine.

The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the rate aforesaid.

In any case where the Minister is satisfied that the circumstances warrant it, he may remit the payment of such interest wholly or in part.

(g)

Closer Settlement and Returned Soldiers Settlement (Amendment).

- (g) (i) by omitting from section thirty the words Sec. 30.
 "No person unless qualified under section (Restriction on purchase.)
 twenty-six hereof shall make or acquire by
 transfer or otherwise a settlement purchase
 under this Act, nor shall any person who-
 soever make, hold, or acquire more than
 one settlement purchase, except where the
 settlement purchase already held by such
 person is less than a home maintenance
 area. In such case the holder may acquire
 a second settlement purchase if in the
 opinion of the Minister the combined
 area does not substantially exceed a home
 maintenance area" and by inserting in
 lieu thereof the following words:—

"Subject to this section no person unless
 qualified under section twenty-six of this
 Act shall acquire by transfer or otherwise
 a settlement purchase.

Any person who has acquired by transfer
 or otherwise a settlement purchase either
 before or after the commencement of the
 Closer Settlement and Returned Soldiers
 Settlement (Amendment) Act, 1927, and
 no longer holds the same may, with the
 consent of the Minister, and if qualified
 under section twenty-six, acquire by transfer
 or otherwise other settlement purchases.

A person who already holds one or more
 settlement purchases comprising less than
 a home maintenance area may, with the
 consent of the Minister, acquire by transfer
 other settlement purchases, but in no case
 shall consent be given where in the opinion
 of the Minister the land held by such
 person together with the land sought to be
 acquired would substantially exceed a home
 maintenance area."

- (ii) by inserting the following words at the end
 of the same section:—

"It shall be competent for two or more
 persons who are not subject jointly or
 severally

Closer Settlement and Returned Soldiers Settlement (Amendment).

Sec. 31.
(Transfer and
mortgage.)

severally to any disqualification in that behalf specified in this Act or any Act amending the same, to acquire a settlement purchase by transfer, but only after the issue of the certificate of the fulfilment of conditions other than that of payment of purchase money."

(h) by omitting from section thirty-one the words :—

"The provisions of this section shall apply to any transfer of land acquired under the Closer Settlement Acts or the Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued or whether the land was acquired as a settlement purchase before or after the commencement of the Closer Settlement (Amendment) Act, 1918; and in every case the transferee of such land shall require to be a person who is qualified to hold a settlement purchase.

Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant"

and by inserting in lieu thereof the following words :—

"The provisions of this section shall apply to any transfer, conveyance, assignment or other disposition of land applied for or acquired as a settlement purchase under the Closer Settlement Acts or Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued, or whether the settlement purchase was made or acquired before or after the commencement of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927.

In every case the transferee of any such land shall require to be a person who is qualified to acquire a settlement purchase.

Such

Closer Settlement and Returned Soldiers Settlement (Amendment).

Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant, nor to the transfer of land comprised in a subdivision of a settlement purchase after issue of the grant if the Minister has consented to the subdivision.

Where the consent of the Minister to the subdivision has been registered the restrictions as to transfer to which the grant before subdivision was subject shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

The consent of the Minister to a subdivision shall be in the form prescribed by regulations under this Act, and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919.

- (i) by omitting from section thirty-five the words Sec. 35.
“Land Appeal Court” and by inserting in lieu (Land Appeal Court.)
thereof the words “Land and Valuation Court”;
- (j) by inserting in section thirty-six after the Sec. 36.
word “forfeiture” where first occurring the words “upon default in payment of any instalments of purchase money or interest or”;
- (k) by omitting from section forty-two the words Sec. 42.
“Land Appeal Court” and by inserting in (Land Appeal Court.)
lieu thereof the words “Land and Valuation Court”;
- (l) by omitting from section fifty-two the words Sec. 52.
“Land Appeal Court” and by inserting in (Regulations.)
lieu thereof the words “Land and Valuation Court”;
- (m) by omitting section fifty-three and by insert- Sec. 53.
ing in lieu thereof the following new section :—
53. The Governor may make regulations for (Regulations.)
carrying out the provisions of this Act.

The

Closer Settlement and Returned Soldiers Settlement (Amendment).

The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

Amendment
of Act No. 12,
1907.

Sec. 10.
(Court.)

New s. 10A.

Resumption
may be
discontinued
by the
Minister.

4. The Closer Settlement (Amendment) Act, 1907, is amended as follows:—

- (a) by omitting from section ten the words “a court constituted as provided in section eighteen of the Principal Act” and by inserting in lieu thereof the words “the Land and Valuation Court”;
- (b) by inserting next after section ten the following new section:—

10A. When any resumption is made under the Closer Settlement Acts and compensation for such resumption is payable, the Minister shall for a period of one month after the amount of such compensation has been finally determined by the Land and Valuation Court have the right to elect whether the Crown will pay such amount or discontinue such resumption.

If the Minister, after determination of value by the Land and Valuation Court, elects to continue such resumption, the owner shall be entitled to remain in occupation under conditions to be approved by the Minister for a period

Closer Settlement and Returned Soldiers Settlement (Amendment).

period of not more than twelve months after the decision of the Minister has been communicated to such owner.

Within fourteen days thereafter the owner shall notify to the Minister the period for which he desires to obtain the use of the land. During such period the owner shall effectively safeguard all improvements and at the expiration of such period shall give vacant and peaceful possession.

If the Minister before the expiration of the aforesaid period of one month, by notification in the Gazette, elects to discontinue such resumption, the proclamation of the resumption and all proceedings thereon or thereafter relating to the resumption shall be treated as a nullity; and in any case where the Minister so elects, no further proclamation or notification under sections four or five of this Act shall be made for a period of five years from the date of such election.

The claimant shall be entitled to payment of the proper costs and expenses incurred up to the date of the discontinuance and the amount thereof shall, when necessary, be fixed by the Land and Valuation Court.

- (c) by inserting in section eighteen the following new words:—

Sec. 18.
(Regulations.)

“The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any

Closer Settlement and Returned Soldiers Settlement (Amendment).

any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or any part thereof, such regulation or part shall thereupon cease to have effect."

Amendment
of Act No. 21,
1909.
Sec. 25.
Regulations.

5. The Closer Settlement (Amendment) Act, 1909, is amended by omitting section twenty-five and by inserting in lieu thereof the following new section:—

25. The Governor may make regulations for carrying out the provisions of this Act.

The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

Amendment of
Act No. 74, 1912.

6. The Closer Settlement (Amendment) Act, 1912, is amended as follows:—

Subsections
3) and (5) of s. 4.
(Land Appeal
Court.)

Sec. 8.
(Regula-
tions.)

- (a) by omitting the words "Land Appeal Court" wherever occurring and by inserting in lieu thereof the words "Land and Valuation Court";
- (b) by omitting from section eight the words "a copy of such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay" and by inserting in lieu thereof the words—

"The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;

(c)

Closer Settlement and Returned Soldiers Settlement (Amendment).

- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect."

7. The Closer Settlement (Amendment) Act, 1914, Amendment of Act No. 7, 1914. is amended as follows:—

- (a) (i) by omitting from section four the words Sec. 4. "of twenty-five per centum of the upset price" and by inserting in lieu thereof the words "in accordance with the terms and conditions which were notified in the Gazette in connection with the aforesaid offering at auction or tender"; (After-auction sale or lease.)
- (ii) by omitting from the same section the words "in connection with the aforesaid offering at auction";
- (b) by omitting from subsection one of section seven and from section twenty-two the words Secs. 7 and 22; (Land Appeal Court.) "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court."

8. The Closer Settlement (Amendment) Act, 1916, Amendment of Act No. 53, 1916, s. 11. is amended as follows:—By omitting from section eleven the words "who was previously the subject of an allied power or if the subject of a neutral power has served with the military or naval forces of His Majesty in the war of 1914–1919"; and by omitting from the same section the words "of such allied or neutral power." (Alien applicants.)

Closer Settlement and Returned Soldiers Settlement (Amendment).

Amendment
of Act No. 46,
1919.

Sec. 12.
(Charge of
purchase
money.)

9. The Closer Settlement (Amendment) Act, 1919, is amended as follows:—

- (a) by adding at the end of section twelve the following words:—

“Any grant of land upon which such charge subsists shall be issued with a memorandum endorsed thereon of the amount then due in respect of the charge, and the certificate of the Minister that the charge has been paid may be registered and upon registration shall operate to free the land from the charge”;

Sec. 13.

- (b) by inserting in section thirteen the following new subsection:—

(2) This section shall extend to a case in which the grant has been issued subject to a charge under section twelve of this Act.

Sec. 15.

- (c) by inserting in section fifteen after the words “published in the Gazette” the words “and shall take effect from the date of such publication or from a later date to be specified in the regulations.”

Amendment
of Act No. 21,
1916.

Sec. 3A.

10. The Returned Soldiers Settlement Act, 1916, is amended as follows:—

- (a) by inserting in section 3A after the words “discharged soldier” the words “or to any person whether a discharged soldier or not who has been employed continuously for a period of not less than twelve months on any settlement for a group of discharged soldiers as inspector, manager, overseer, orchardist, or in any other similar capacity”;

Sec. 19 (3c).

- (b) (i) by omitting from subsection (3c) of section nineteen the words “in accordance with the amount of the price or capital value or charge of purchase money finally determined under this section” and by inserting in lieu thereof the words “in cases where the land is not subject to a charge in accordance with the amount of the capital value finally determined under this section less the amount paid by the purchaser to the vendor

Closer Settlement and Returned Soldiers Settlement (Amendment).

vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined";

- (ii) by adding at the end of the same subsection the following words "Adjustments on the basis provided in this subsection shall be made in cases where the application for determination of the price or capital value was made prior to the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, as well as in cases where applications are made in pursuance of that Act."

11. The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed. Repeals
Schedule.

SCHEDULE.

Sec. 11.

Number of Act.	Short Title.	Extent of repeal.
1909, No. 21 ...	Closer Settlement (Amendment) Act, 1909.	(a) Section seven. (b) So much of section eleven as inserted subsection two in section twenty-nine of the Closer Settlement Act, 1904.
1916, No. 53 ...	Closer Settlement (Amendment) Act, 1916.	Subsection two of section eight.
1918, No. 48 ...	Closer Settlement (Amendment) Act, 1918.	So much of section twenty-two as amended sections thirty and thirty-one of the Closer Settlement Act, 1904.
1919, No. 46 ...	Closer Settlement (Amendment) Act, 1919.	So much of section sixteen and of the Schedule to the Act as amended the Closer Settlement (Amendment) Act, 1916.

In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Government House, Governor.
Sydney, 17th February, 1927.

CLOSER SETTLEMENT AND RETURNED SOLDIERS SETTLEMENT
(AMENDMENT) BILL.

SCHEDULE of the Amendment referred to in Message of 2nd February, 1927.

Page 11, clause 4, line 17. *After* "nullity" *add* "and in any case where the Minister
" so elects, no further proclamation or notification under sections four
" or five of this Act shall be made for a period of five years from the
" date of such election "

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

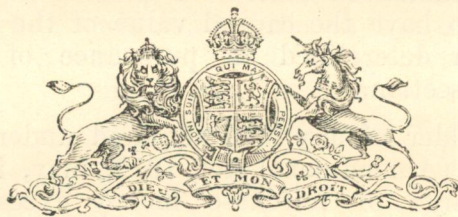
*Legislative Assembly Chamber,
Sydney, 19 January, 1927.*

*THE LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 2nd February, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

Act No. , 1927.

An Act to provide for the relief of certain settlers; to provide for the revision of certain indebtedness to the Crown in respect of certain cases under the Closer Settlement Acts; to provide for the redetermination of the price or value of settlement purchases; to make further provision regarding the subdivision of holdings under the said Acts and the acquisition of additional holdings; and for these and other purposes to amend the Closer Settlement Act, 1904, the Returned Soldiers Settlement Act, 1916, and certain other Acts; and for purposes connected therewith.

Closer Settlement and Returned Soldiers Settlement (Amendment).

BE it enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
5 the same, as follows :—

1. This Act may be cited as the “Closer Settlement Short title.
and Returned Soldiers Settlement (Amendment) Act,
1927,” and shall be read and construed with the
Closer Settlement Acts.

10 **2.** (1) The holder of any settlement purchase the Amendment
of Closer
Settlement
Acts.
title to which commenced before the passing of this
Act may apply to have the capital value of the land
comprised therein determined in pursuance of the Appraise-
ment of price
or value.
provisions of this section.

15 (2) The holder of any land acquired under the
Closer Settlement (Amendment) Act, 1919, may, if he
considers the charge of purchase money excessive,
apply to have the value of his land and the amount of
such charge determined.

20 (3) Any application made in pursuance of this
section shall be made in the form and shall be
accompanied by the declaration and fee prescribed by
regulation made under the Closer Settlement Acts.

(4) An application under subsection one of this
25 section may be made within two years from the
commencement of this Act, or where the settlement
purchase has been applied for before the commencement
of this Act but the application therefor has not been
allowed before such commencement, then within two
30 years after the allowance of the settlement purchase.

(5) An application under subsection two of this
section shall be made within two years from the
commencement of this Act.

(6) An application lodged in pursuance of this
35 section shall be dealt with by the local land board or by
a board constituted under the Returned Soldiers Settle-
ment Act, 1916, which board shall have the powers of a
local land board.

(7)

Closer Settlement and Returned Soldiers Settlement (Amendment).

(7) The price or value of the settlement purchase shall be determined as at the date of application for determination having regard to the same factors as those required by the regulations under the Closer Settlement Acts to be taken into consideration when determining the sale values of lands comprised in any settlement purchase area but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

10 (8) The board shall determine the freehold value of any land subject to a charge as at the date of application for determination but assuming that any improvements effected on such land since the date of the acquisition of the land under the Closer Settlement
15 (Amendment) Act, 1919, do not exist.

The amount of the charge shall be determined by deducting from the appraised freehold value so determined—

20 (a) the amount which was required to make the holding freehold at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919; and

(b) the amount, if any, paid by the purchaser to the vendor with the consent of the Minister as
25 provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.

(9) The board's determination under this section shall be subject to appeal by the applicant or reference by the Minister to the Land and Valuation Court in the
30 same manner and within the same time as is provided for cases of appeal under section nineteen or as is provided for cases of reference under section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

35 (10) The balance of purchase money owing on any settlement purchase and the balance owing on any charge of purchase money created under the Closer Settlement (Amendment) Act, 1919, at the date of application for determination shall be adjusted in
40 cases where the land is not subject to a charge in accordance with the amount of the capital value finally determined

Closer Settlement and Returned Soldiers Settlement (Amendment).

determined under this section less the amount paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in
5 cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined.

All amounts, inclusive of interest payable in respect of the land or charge up to the date for payment last
10 preceding the date of application for determination, shall be paid as if this section had not been passed.

All amounts thereafter payable in respect of the land or charge shall be adjusted in accordance with the price or amount of charge of purchase money determined
15 under this section.

Where any unpaid interest payable by the holder has been added to the purchase money or charge of purchase money under any Act or regulation, nothing in this section shall be taken to relieve the holder from the
20 operations of such Act or regulation in this regard.

(11) If on any inquiry under this section it appears that the value of the land has become reduced by any act, default, or neglect of the holder thereof or by his acquiescence in the act, default, or neglect of any
25 other person, or that the improvements existing on such land at the date of commencement of title thereto or of the creation of the charge of purchase money thereon, as the case may be, have become depreciated, the value of the land shall be determined as if such
30 reduction or depreciation had not taken place.

(12) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the board upon payment of the actual costs incurred in dealing with the
35 application.

(13) An application under subsection one of this section shall include all settlement purchases held by the applicant at the date of the application in respect of which he has a right of determination under this
40 section.

(14)

Closer Settlement and Returned Soldiers Settlement (Amendment).

(14) No determination of the value of a settlement purchase under this section shall be made if in the opinion of the local land board the lands held by the applicant together with the area sought to be
5 appraised substantially exceed a home maintenance area.

For the purposes of this subsection any land held by the spouse of the applicant shall be deemed to be held by the applicant.

(15) Regulations may be made under the Closer
10 Settlement Acts for giving effect to this section.

3. The Closer Settlement Act, 1904, is amended as follows :—

- (a) (i) by inserting in section four at the end of the definition of the word "acquired" the words "or acquired by transfer under the provisions of the Closer Settlement (Amendment) Act, 1919"; Amendment of Act No. 37, 1904. Sec. 4. (Definition acquired.)
- 15 (ii) by omitting from the same section from the definition of the term "Crown lands" the words and figures "Crown Lands Act of 1884" and by inserting in lieu thereof the words and figures "Crown Lands Consolidation Act, 1913"; Ibid. (Crown lands.)
- 20 (iii) by omitting from the same section the words "Land Appeal Court";
- 25 (b) by omitting from section eight the word "such" and by inserting in lieu thereof the words "any private"; Sec. 8. (Contracts.)
- 30 (c) by omitting from subsection one of section eighteen the words "the Closer Settlement Board" and by inserting in lieu thereof the words "a Closer Settlement Advisory Board"; Sec. 18. (Price.)
- 35 (d) (i) by omitting from paragraph (a) of section twenty-six the words "in the opinion of the local land board"; Sec. 26. (Qualification.)
- (ii) by inserting next after paragraph (c) of the same section the following new paragraph:—
- (c1) Any person who has applied for and obtained a title to a settlement purchase either before or after the commencement of the Closer Settlement and
- 40

Closer Settlement and Returned Soldiers Settlement (Amendment).

and Returned Soldiers Settlement (Amendment) Act, 1927, and who no longer holds the same may with the consent of the Minister in writing previously had apply for another settlement purchase.

(e) by omitting from section twenty-eight the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court";

(f) (i) by omitting from paragraph (b) of sub-section one of section twenty-nine the words "twelve months" and by inserting in lieu thereof the words "six months";

(ii) by inserting at the end of the same section the following new subsection :—

(4) Upon application, the Minister may at any time defer the payment of any amount due, or to become due within twelve months from the date of the application, on any holding for any period not exceeding five years, subject to the performance of any conditions he may deem fit to impose, and if the conditions so imposed or any of them are or is not duly performed the concession granted by the Minister shall cease to operate.

Any payment so deferred shall bear interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and such interest shall, if the Minister so directs, be payable on such dates as he may determine.

The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the rate aforesaid.

In any case where the Minister is satisfied that the circumstances warrant it, he may remit the payment of such interest wholly or in part.

(g)

Closer Settlement and Returned Soldiers Settlement (Amendment).

- (g) (i) by omitting from section thirty the words Sec. 30.
 "No person unless qualified under section (Restriction on purchase.)
 twenty-six hereof shall make or acquire by

5 transfer or otherwise a settlement purchase
 under this Act, nor shall any person who-
 soever make, hold, or acquire more than
 one settlement purchase, except where the
 10 settlement purchase already held by such
 person is less than a home maintenance
 area. In such case the holder may acquire
 a second settlement purchase if in the
 opinion of the Minister the combined
 area does not substantially exceed a home
 15 maintenance area" and by inserting in
 lieu thereof the following words:—

"Subject to this section no person unless
 qualified under section twenty-six of this
 Act shall acquire by transfer or otherwise
 a settlement purchase.

20 Any person who has acquired by transfer
 or otherwise a settlement purchase either
 before or after the commencement of the
 Closer Settlement and Returned Soldiers
 Settlement (Amendment) Act, 1927, and
 25 no longer holds the same may, with the
 consent of the Minister, and if qualified
 under section twenty-six, acquire by transfer
 or otherwise other settlement purchases.

30 A person who already holds one or more
 settlement purchases comprising less than
 a home maintenance area may, with the
 consent of the Minister, acquire by transfer
 other settlement purchases, but in no case
 shall consent be given where in the opinion
 35 of the Minister the land held by such
 person together with the land sought to be
 acquired would substantially exceed a home
 maintenance area."

- 40 (ii) by inserting the following words at the end
 of the same section:—

"It shall be competent for two or more
 persons who are not subject jointly or
 severally

Closer Settlement and Returned Soldiers Settlement (Amendment).

severally to any disqualification in that behalf specified in this Act or any Act amending the same, to acquire a settlement purchase by transfer, but only after the issue of the certificate of the fulfilment of conditions other than that of payment of purchase money."

(h) by omitting from section thirty-one the words :—

Sec. 31.
(Transfer and mortgage.)

"The provisions of this section shall apply to any transfer of land acquired under the Closer Settlement Acts or the Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued or whether the land was acquired as a settlement purchase before or after the commencement of the Closer Settlement (Amendment) Act, 1918; and in every case the transferee of such land shall require to be a person who is qualified to hold a settlement purchase.

Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant"

and by inserting in lieu thereof the following words :—

"The provisions of this section shall apply to any transfer, conveyance, assignment or other disposition of land applied for or acquired as a settlement purchase under the Closer Settlement Acts or Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued, or whether the settlement purchase was made or acquired before or after the commencement of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927.

In every case the transferee of any such land shall require to be a person who is qualified to acquire a settlement purchase.

Such

Closer Settlement and Returned Soldiers Settlement (Amendment).

Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant, nor to the transfer of land comprised in a subdivision of a settlement purchase after issue of the grant if the Minister has consented to the subdivision.

Where the consent of the Minister to the subdivision has been registered the restrictions as to transfer to which the grant before subdivision was subject shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

The consent of the Minister to a subdivision shall be in the form prescribed by regulations under this Act, and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919.

- (i) by omitting from section thirty-five the words Sec. 35. "Land Appeal Court" and by inserting in lieu (Land Appeal Court.) thereof the words "Land and Valuation Court";
- (j) by inserting in section thirty-six after the Sec. 36. word "forfeiture" where first occurring the words "upon default in payment of any instalments of purchase money or interest or";
- (k) by omitting from section forty-two the words Sec. 42. "Land Appeal Court" and by inserting in (Land Appeal Court.) lieu thereof the words "Land and Valuation Court";
- (l) by omitting from section fifty-two the words Sec. 52. "Land Appeal Court" and by inserting in (Regulations.) lieu thereof the words "Land and Valuation Court";
- (m) by omitting section fifty-three and by insert- Sec. 53. ing in lieu thereof the following new section:—

53. The Governor may make regulations for (Regulations.) carrying out the provisions of this Act.

The

Closer Settlement and Returned Soldiers Settlement (Amendment).

The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

4. The Closer Settlement (Amendment) Act, 1907, Amendment of Act No. 12, 1907.
is amended as follows:—

- (a) by omitting from section ten the words “a court constituted as provided in section eighteen of the Principal Act” and by inserting in lieu thereof the words “the Land and Valuation Court”; Sec 10. (Court.)
- (b) by inserting next after section ten the following new section:— New s. 10A.

10A. When any resumption is made under the Closer Settlement Acts and compensation for such resumption is payable, the Minister shall for a period of one month after the amount of such compensation has been finally determined by the Land and Valuation Court have the right to elect whether the Crown will pay such amount or discontinue such resumption. Resumption may be discontinued by the Minister.

If the Minister, after determination of value by the Land and Valuation Court, elects to continue such resumption, the owner shall be entitled to remain in occupation under conditions to be approved by the Minister for a period

Closer Settlement and Returned Soldiers Settlement (Amendment).

period of not more than twelve months after the decision of the Minister has been communicated to such owner.

5 Within fourteen days thereafter the owner shall notify to the Minister the period for which he desires to obtain the use of the land. During such period the owner shall effectively safeguard all improvements and at the expiration of such period shall give vacant and
10 peaceful possession.

 If the Minister before the expiration of the aforesaid period of one month, by notification in the Gazette, elects to discontinue such
15 resumption, the proclamation of the resumption and all proceedings thereon or thereafter relating to the resumption shall be treated as a nullity; and in any case where the Minister so elects, no further proclamation or notification under sections four or five of this Act
20 shall be made for a period of five years from the date of such election.

 The claimant shall be entitled to payment of the proper costs and expenses incurred up to the date of the discontinuance and the amount thereof shall, when necessary, be fixed by the
25 Land and Valuation Court.

(c) by inserting in section eighteen the following new words:—

Sec. 18.
(Regulations.)

30 “The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- 35 (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

40 If either House of Parliament passes a resolution of which notice has been given at any

Closer Settlement and Returned Soldiers Settlement (Amendment).

any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or any part thereof, such regulation or part shall thereupon cease to have effect."

5. The Closer Settlement (Amendment) Act, 1909, Amendment of Act No 21, 1909. is amended by omitting section twenty-five and by inserting in lieu thereof the following new section :— Sec. 25.

25. The Governor may make regulations for carrying out the provisions of this Act. Regulations.

The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations ;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

6. The Closer Settlement (Amendment) Act, 1912, Amendment of Act No. 74, 1912. is amended as follows :—

(a) by omitting the words "Land Appeal Court" wherever occurring and by inserting in lieu thereof the words "Land and Valuation Court"; Subsections (3) and (5) of s. 4. (Land Appeal Court)

(b) by omitting from section eight the words "a copy of such regulations shall be published in the Gazette and laid before both Houses of Parliament without delay" and by inserting in lieu thereof the words— Sec. 8. (Regulations.)

"The regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations ;

(c)

Closer Settlement and Returned Soldiers Settlement (Amendment).

5 (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

10 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect."

15 **7.** The Closer Settlement (Amendment) Act, 1914, Amendment of Act No. 7, 1914. is amended as follows:—

(a) (i) by omitting from section four the words Sec. 4. "of twenty-five per centum of the upset (After- price" and by inserting in lieu thereof the auction sale or lease.) words "in accordance with the terms and conditions which were notified in the Gazette in connection with the aforesaid offering at auction or tender";

25 (ii) by omitting from the same section the words "in connection with the aforesaid offering at auction";

(b) by omitting from subsection one of section Secs. 7 and 22. seven and from section twenty-two the words (Land Appeal Court.) "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court."

30 **8.** The Closer Settlement (Amendment) Act, 1916, Amendment of Act No. 53, 1916, s. 11. is amended as follows:—By omitting from section eleven the words "who was previously the subject of an (Alien applicants.) allied power or if the subject of a neutral power has served with the military or naval forces of His Majesty in the war of 1914-1919"; and by omitting from the same section the words "of such allied or neutral power."

9. The Closer Settlement (Amendment) Act, 1919, is amended as follows :—

S Amendment
of Act No. 46,
1919.

Sec. 12.
(Charge of
purchase
money.)

Sec. 13.

15

Sec. 15.

Amendment
of Act No. 21,
1916.

Sec. 3A.

Sec. 19 (3c).

Closer Settlement and Returned Soldiers Settlement (Amendment).

5 vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined”;

10 (ii) by adding at the end of the same subsection the following words “Adjustments on the basis provided in this subsection shall be made in cases where the application for determination of the price or capital value was made prior to the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, as well as in cases where applications are made in pursuance of that Act.”

15 **11.** The Acts mentioned in the Schedule to this Act are to the extent therein indicated hereby repealed. Repeals
Schedule.

20

SCHEDULE.

Sec 11.

Number of Act.	Short Title.	Extent of repeal.
25 1909, No. 21 ...	Closer Settlement (Amendment) Act, 1909.	(a) Section seven. (b) So much of section eleven as inserted subsection two in section twenty-nine of the Closer Settlement Act, 1904.
30 1916, No. 53 ...	Closer Settlement (Amendment) Act, 1916.	Subsection two of section eight.
30 1918, No. 48 ...	Closer Settlement (Amendment) Act, 1918.	So much of section twenty-two as amended sections thirty and thirty-one of the Closer Settlement Act, 1904.
35 1919, No. 46 ...	Closer Settlement (Amendment) Act, 1919.	So much of section sixteen and of the Schedule to the Act as amended the Closer Settlement (Amendment) Act, 1916.

1927.

Legislative Council.

Closer Settlement and Returned Soldiers Settlement (Amendment) Bill, 1927.

EXPLANATORY NOTE.

THE Bill provides :—

- (a) for the determination of the price or value of Settlement Purchases and the revision of certain indebtedness to the Crown ;
 - (b) for an extension of the law regarding the subdivision of holdings under the Closer Settlement Acts ;
 - (c) for the acquisition of additional areas ;
 - (d) for the discontinuance of resumption of land under certain circumstances ;
 - (e) for an amendment of the Returned Soldiers Settlement Act, 1916, extending certain concessions given to soldier holders under the Returned Soldiers Settlement (Amendment) Act, 1925, to holders of Settlement Purchases ;
 - (f) for certain other amendments of an administrative or miscellaneous character.
-

Report of the
Committee on the
Administration of the
Department of the Interior

REPORT OF THE

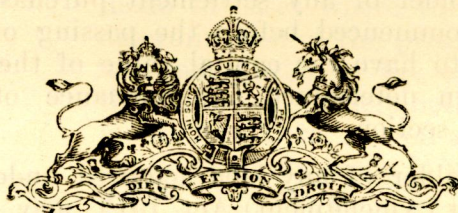
1. The Department of the Interior has been organized since the establishment of the Department of the Interior in 1849. It has since that time been the largest and most important of the executive departments of the United States. It has been the responsibility of the Department to manage the public lands, to regulate the mining industry, to protect the forests, and to manage the Indian affairs. The Department has also been responsible for the management of the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs. The Department has been the steward of the public lands and has been responsible for the management of the natural resources of the United States. The Department has been the largest and most important of the executive departments of the United States. It has been the responsibility of the Department to manage the public lands, to regulate the mining industry, to protect the forests, and to manage the Indian affairs. The Department has also been responsible for the management of the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, and the Bureau of Indian Affairs. The Department has been the steward of the public lands and has been responsible for the management of the natural resources of the United States.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 19 January, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGI V REGIS.

Act No. , 1927.

An Act to provide for the relief of certain settlers; to provide for the revision of certain indebtedness to the Crown in respect of certain cases under the Closer Settlement Acts; to provide for the redetermination of the price or value of settlement purchases; to make further provision regarding the subdivision of holdings under the said Acts and the acquisition of additional holdings; and for these and other purposes to amend the Closer Settlement Act, 1904, the Returned Soldiers Settlement Act, 1916, and certain other Acts; and for purposes connected therewith.

Closer Settlement and Returned Soldiers Settlement (Amendment).

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927,” and shall be read and construed with the Closer Settlement Acts.

2. (1) The holder of any settlement purchase the title to which commenced before the passing of this Act may apply to have the capital value of the land comprised therein determined in pursuance of the provisions of this section.

Short title.
Amendment of Closer Settlement Acts.
Appraisal of price or value.

(2) The holder of any land acquired under the Closer Settlement (Amendment) Act, 1919, may, if he considers the charge of purchase money excessive, apply to have the value of his land and the amount of such charge determined.

(3) Any application made in pursuance of this section shall be made in the form and shall be accompanied by the declaration and fee prescribed by regulation made under the Closer Settlement Acts.

(4) An application under subsection one of this section may be made within two years from the commencement of this Act, or where the settlement purchase has been applied for before the commencement of this Act but the application therefor has not been allowed before such commencement, then within two years after the allowance of the settlement purchase.

(5) An application under subsection two of this section shall be made within two years from the commencement of this Act.

(6) An application lodged in pursuance of this section shall be dealt with by the local land board or by a board constituted under the Returned Soldiers Settlement Act, 1916, which board shall have the powers of a local land board.

(7)

Closer Settlement and Returned Soldiers Settlement (Amendment).

(7) The price or value of the settlement purchase shall be determined as at the date of application for determination having regard to the same factors as those required by the regulations under the Closer Settlement Acts to be taken into consideration when determining the sale values of lands comprised in any settlement purchase area but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

(8) The board shall determine the freehold value of any land subject to a charge as at the date of application for determination but assuming that any improvements effected on such land since the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, do not exist.

The amount of the charge shall be determined by deducting from the appraised freehold value so determined—

(a) the amount which was required to make the holding freehold at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919; and

(b) the amount, if any, paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.

(9) The board's determination under this section shall be subject to appeal by the applicant or reference by the Minister to the Land and Valuation Court in the same manner and within the same time as is provided for cases of appeal under section nineteen or as is provided for cases of reference under section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

(10) The balance of purchase money owing on any settlement purchase and the balance owing on any charge of purchase money created under the Closer Settlement (Amendment) Act, 1919, at the date of application for determination shall be adjusted in cases where the land is not subject to a charge in accordance with the amount of the capital value finally determined.

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determined under this section less the amount paid by the purchaser to the vendor with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919, and in
5 cases where the land is subject to a charge in accordance with the amount of the charge of purchase money so determined.

All amounts, inclusive of interest payable in respect of the land or charge up to the date for payment last
10 preceding the date of application for determination, shall be paid as if this section had not been passed.

All amounts thereafter payable in respect of the land or charge shall be adjusted in accordance with the price or amount of charge of purchase money determined
15 under this section.

Where any unpaid interest payable by the holder has been added to the purchase money or charge of purchase money under any Act or regulation, nothing in this section shall be taken to relieve the holder from the
20 operations of such Act or regulation in this regard.

(11) If on any inquiry under this section it appears that the value of the land has become reduced by any act, default, or neglect of the holder thereof or by his acquiescence in the act, default, or neglect of any
25 other person, or that the improvements existing on such land at the date of commencement of title thereto or of the creation of the charge of purchase money thereon, as the case may be, have become depreciated, the value of the land shall be determined as if such
30 reduction or depreciation had not taken place.

(12) An application under this section may be withdrawn by the applicant at any time before the commencement of the hearing by the board upon payment of the actual costs incurred in dealing with the
35 application.

(13) An application under subsection one of this section shall include all settlement purchases held by the applicant at the date of the application in respect of which he has a right of determination under this
40 section.

(14)

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(14) No determination of the value of a settlement purchase under this section shall be made if in the opinion of the local land board the lands held by the applicant together with the area sought to be
5 appraised substantially exceed a home maintenance area.

For the purposes of this subsection any land held by the spouse of the applicant shall be deemed to be held by the applicant.

(15) Regulations may be made under the Closer
10 Settlement Acts for giving effect to this section.

3. The Closer Settlement Act, 1904, is amended as follows :—

- (a) (i) by inserting in section four at the end of the definition of the word "acquired" the words "or acquired by transfer under the provisions of the Closer Settlement (Amendment) Act, 1919"; Amendment of Act No. 87, 1904. Sec. 4. (Definition acquired.)
- 15 (ii) by omitting from the same section from the definition of the term "Crown lands" the words and figures "Crown Lands Act of 1884" and by inserting in lieu thereof the words and figures "Crown Lands Consolidation Act, 1913"; Ibid. (Crown lands.)
- 20 (iii) by omitting from the same section the words "Land Appeal Court";
- 25 (b) by omitting from section eight the word "such" and by inserting in lieu thereof the words "any private"; Sec. 8. (Contracts.)
- 30 (c) by omitting from subsection one of section eighteen the words "the Closer Settlement Board" and by inserting in lieu thereof the words "a Closer Settlement Advisory Board"; Sec. 18. (Price.)
- 35 (d) (i) by omitting from paragraph (a) of section twenty-six the words "in the opinion of the local land board"; Sec. 26. (Qualification.)
- (ii) by inserting next after paragraph (c) of the same section the following new paragraph:—
- (e1) Any person who has applied for and obtained a title to a settlement purchase either before or after the commencement of the Closer Settlement
40 and

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and Returned Soldiers Settlement (Amendment) Act, 1927, and who no longer holds the same may with the consent of the Minister in writing previously had apply for another settlement purchase.

- 5 (e) by omitting from section twenty-eight the words "Land Appeal Court" and by inserting in lieu thereof the words "Land and Valuation Court";

- 10 (f) (i) by omitting from paragraph (b) of sub-section one of section twenty-nine the words "twelve months" and by inserting in lieu thereof the words "six months";

- 15 (ii) by inserting at the end of the same section the following new subsection :—

(4) Upon application, the Minister may at any time defer the payment of any amount due, or to become due within twelve months from the date of the application, on any holding for any period not exceeding five years, subject to the performance of any conditions he may deem fit to impose, and if the conditions so imposed or any of them are or is not duly performed the concession granted by the Minister shall cease to operate.

20 Any payment so deferred shall bear interest at the rate of five per centum per annum from the date of its becoming due until the date of payment; and such interest shall, if the Minister so directs, be payable on such dates as he may determine.

25 The Minister may allow the deferred amounts to be paid by annual instalments, with interest at the rate aforesaid.

30 In any case where the Minister is satisfied that the circumstances warrant it, he may remit the payment of such interest wholly or in part.

40 (g)

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- (g) (i) by omitting from section thirty the words Sec. 30.
“No person unless qualified under section (Restriction
twenty-six hereof shall make or acquire by on purchase.) transfer or otherwise a settlement purchase

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under this Act, nor shall any person who-
soever make, hold, or acquire more than
one settlement purchase, except where the
settlement purchase already held by such
person is less than a home maintenance
area. In such case the holder may acquire
a second settlement purchase if in the
opinion of the Minister the combined
area does not substantially exceed a home
maintenance area” and by inserting in
lieu thereof the following words:—

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“Subject to this section no person unless
qualified under section twenty-six of this
Act shall acquire by transfer or otherwise
a settlement purchase.

Any person who has acquired by transfer
or otherwise a settlement purchase either
before or after the commencement of the
Closer Settlement and Returned Soldiers
Settlement (Amendment) Act, 1927, and
no longer holds the same may, with the
consent of the Minister, and if qualified
under section twenty-six, acquire by transfer
or otherwise other settlement purchases.

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A person who already holds one or more
settlement purchases comprising less than
a home maintenance area may, with the
consent of the Minister, acquire by transfer
other settlement purchases, but in no case
shall consent be given where in the opinion
of the Minister the land held by such
person together with the land sought to be
acquired would substantially exceed a home
maintenance area.”

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- (ii) by inserting the following words at the end
of the same section:—

“It shall be competent for two or more
persons who are not subject jointly or
severally

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severally to any disqualification in that behalf specified in this Act or any Act amending the same, to acquire a settlement purchase by transfer, but only after the issue of the certificate of the fulfilment of conditions other than that of payment of purchase money."

5

(h) by omitting from section thirty-one the words :—

Sec. 31.

(Transfer and mortgage.)

10

"The provisions of this section shall apply to any transfer of land acquired under the Closer Settlement Acts or the Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued or whether the land was acquired as a settlement purchase before or after the commencement of the Closer Settlement (Amendment) Act, 1918; and in every case the transferee of such land shall require to be a person who is qualified to hold a settlement purchase.

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Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant"

25

and by inserting in lieu thereof the following words :—

30

"The provisions of this section shall apply to any transfer, conveyance, assignment or other disposition of land applied for or acquired as a settlement purchase under the Closer Settlement Acts or Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued, or whether the settlement purchase was made or acquired before or after the commencement of the Closer Settlement and Returned Soldiers Settlement (Amendment) Act, 1927.

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In every case the transferee of any such land shall require to be a person who is qualified to acquire a settlement purchase.

Such

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5 Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant nor to a lease after the issue of the grant, nor to the transfer of land comprised in a subdivision of a settlement purchase after issue of the grant if the Minister has consented to the subdivision.

10 Where the consent of the Minister to the subdivision has been registered the restrictions as to transfer to which the grant before subdivision was subject shall cease to apply to any portion of the grant transferred in pursuance of such subdivision.

15 The consent of the Minister to a subdivision shall be in the form prescribed by regulations under this Act, and may be registered in manner prescribed by regulations under the Conveyancing Act, 1919.

20 (i) by omitting from section thirty-five the words Sec. 35. "Land Appeal Court" and by inserting in lieu (Land Appeal Court.) thereof the words "Land and Valuation Court";

25 (j) by inserting in section thirty-six after the Sec. 36. word "forfeiture" where first occurring the words "upon default in payment of any instalments of purchase money or interest or";

30 (k) by omitting from section forty-two the words Sec. 42. "Land Appeal Court" and by inserting in (Land Appeal Court.) lieu thereof the words "Land and Valuation Court";

35 (l) by omitting from section fifty-two the words Sec. 52. "Land Appeal Court" and by inserting in (Regulations.) lieu thereof the words "Land and Valuation Court";

(m) by omitting section fifty-three and by insert- Sec. 53. ing in lieu thereof the following new section:—

53. The Governor may make regulations for (Regulations.) carrying out the provisions of this Act.

The

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The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in the regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part thereof shall thereupon cease to have effect.

4. The Closer Settlement (Amendment) Act, 1907, Amendment of Act No. 12, 1907.
is amended as follows:—

- (a) by omitting from section ten the words “a court constituted as provided in section eighteen of the Principal Act” and by inserting in lieu thereof the words “the Land and Valuation Court”; Sec. 10. (Court.)
- (b) by inserting next after section ten the following New s. 10A.
new section:—

10A. When any resumption is made under the Closer Settlement Acts and compensation for such resumption is payable, the Minister shall for a period of one month after the amount of such compensation has been finally determined by the Land and Valuation Court have the right to elect whether the Crown will pay such amount or discontinue such resumption. Resumption may be discontinued by the Minister.

If the Minister, after determination of value by the Land and Valuation Court, elects to continue such resumption, the owner shall be entitled

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entitled to remain in occupation under conditions to be approved by the Minister for a period of not more than twelve months after the decision of the Minister has been communicated to such owner.

Within fourteen days thereafter the owner shall notify to the Minister the period for which he desires to obtain the use of the land. During such period the owner shall effectively safeguard all improvements and at the expiration of such period shall give vacant and peaceful possession.

If the Minister before the expiration of the aforesaid period of one month, by notification in the Gazette, elects to discontinue such resumption, the proclamation of the resumption and all proceedings thereon or thereafter relating to the resumption shall be treated as a nullity.

The claimant shall be entitled to payment of the proper costs and expenses incurred up to the date of the discontinuance and the amount thereof shall, when necessary, be fixed by the Land and Valuation Court.

(c) by inserting in section eighteen the following new words :—

Sec. 18.
(Regulations.)

“The regulations shall—

(a) be published in the Gazette ;

(b) take effect from the date of such publication or from a later date to be specified in the regulations ;

(c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing

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disallowing any regulation or any part thereof,
such regulation or part shall thereupon cease
to have effect."

5 **5.** The Closer Settlement (Amendment) Act, 1909, Amendment of Act No. 21, 1909.
is amended by omitting section twenty-five and by Sec. 25.
inserting in lieu thereof the following new section :—

25. The Governor may make regulations for Regulations.
carrying out the provisions of this Act.

The regulations shall—

- 10 (a) be published in the Gazette ;
(b) take effect from the date of such publication
or from a later date to be specified in the
regulations ;
15 (c) be laid before both Houses of Parliament
within fourteen sitting days after such
publication if Parliament is then in session,
and if not, then within fourteen sitting days
after the commencement of the next session.

20 If either House of Parliament passes a resolution
of which notice has been given at any time within
fifteen sitting days after such regulations have been
laid before such House disallowing any regulation
or part thereof, such regulation or part thereof shall
thereupon cease to have effect.

25 **6.** The Closer Settlement (Amendment) Act, 1912, Amendment of Act No. 74, 1912.
is amended as follows :—

- (a) by omitting the words " Land Appeal Court " Subsections (3) and (5) of s. 4. (Land Appeal Court.)
wherever occurring and by inserting in lieu thereof the words " Land and Valuation Court " ;
30 (b) by omitting from section eight the words " a Sec. 8. (Regulations.)
copy of such regulations shall be published in
the Gazette and laid before both Houses of
Parliament without delay " and by inserting
in lieu thereof the words—

35 " The regulations shall—

- (a) be published in the Gazette ;
(b) take effect from the date of such publica-
tion or from a later date to be specified
in the regulations ;

(c)

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- 5 (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

10 If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect."

15 **7.** The Closer Settlement (Amendment) Act, 1914, Amendment of Act No 7, 1914. is amended as follows :—

- (a) (i) by omitting from section four the words Sec. 4.
 "of twenty-five per centum of the upset (After-
 price" and by inserting in lieu thereof the auction sale
 words "in accordance with the terms and or lease.)
 20 conditions which were notified in the
 Gazette in connection with the aforesaid
 offering at auction or tender";
- (ii) by omitting from the same section the
 words "in connection with the aforesaid
 25 offering at auction";
- (b) by omitting from subsection one of section Secs. 7 and 22.
 seven and from section twenty-two the words (Land Appeal
 "Land Appeal Court" and by inserting in Court)
 lieu thereof the words "Land and Valuation
 30 Court."

8. The Closer Settlement (Amendment) Act, 1916, Amendment of Act No. 53, 1916, s. 11. is amended as follows :—By omitting from section eleven the words "who was previously the subject of an (Alien
 allied power or if the subject of a neutral power has applicants.)
 35 served with the military or naval forces of His Majesty in the war of 1914–1919"; and by omitting from the same section the words "of such allied or neutral power."

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9. The Closer Settlement (Amendment) Act, 1919, is amended as follows :—

- (a) by adding at the end of section twelve the following words :—

5 “ Any grant of land upon which such charge
subsists shall be issued with a memorandum
endorsed thereon of the amount then due in
respect of the charge, and the certificate of the
Minister that the charge has been paid may
10 be registered and upon registration shall
operate to free the land from the charge ” ;

- (b) by inserting in section thirteen the following new subsection :—

15 (2) This section shall extend to a case in
which the grant has been issued subject to a
charge under section twelve of this Act.

- (c) by inserting in section fifteen after the words
“ published in the Gazette ” the words “ and
shall take effect from the date of such
20 publication or from a later date to be specified
in the regulations.”

10. The Returned Soldiers Settlement Act, 1916, is amended as follows :—

- 25 (a) by inserting in section 3A after the words
“ discharged soldier ” the words “ or to any
person whether a discharged soldier or not who
has been employed continuously for a period
of not less than twelve months on any settle-
ment for a group of discharged soldiers as
30 inspector, manager, overseer, orchardist, or in
any other similar capacity ” ;

- (b) (i) by omitting from subsection (3c) of section
nineteen the words “ in accordance with the
amount of the price or capital value or charge
35 of purchase money finally determined under
this section ” and by inserting in lieu
thereof the words “ in cases where the land
is not subject to a charge in accordance
with the amount of the capital value finally
40 determined under this section less the
amount paid by the purchaser to the
vendor

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5 vendor with the consent of the Minister
as provided by sections six and seven of
the Closer Settlement (Amendment) Act,
1919, and in cases where the land is
subject to a charge in accordance with the
amount of the charge of purchase money
so determined ”;
10 (ii) by adding at the end of the same subsection
the following words “ Adjustments on the
basis provided in this subsection shall be
made in cases where the application for
determination of the price or capital value
was made prior to the commencement of
15 the Returned Soldiers Settlement (Amend-
ment) Act, 1925, as well as in cases where
applications are made in pursuance of that
Act.”

11. The Acts mentioned in the Schedule to this Act
are to the extent therein indicated hereby repealed. Repeals
Schedule.

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SCHEDULE.

Sec. 11.

Number of Act.	Short Title.	Extent of repeal.
25 1909, No. 21 ...	Closer Settlement (Amendment) Act, 1909.	(a) Section seven. (b) So much of section eleven as inserted subsection two in section twenty-nine of the Closer Settlement Act, 1904.
30 1916, No. 53 ...	Closer Settlement (Amendment) Act, 1916.	Subsection two of section eight.
1918, No. 48 ...	Closer Settlement (Amendment) Act, 1918.	So much of section twenty-two as amended sections thirty and thirty-one of the Closer Settlement Act, 1904.
35 1919, No. 46 ...	Closer Settlement (Amendment) Act, 1919.	So much of section sixteen and of the Schedule to the Act as amended the Closer Settlement (Amendment) Act, 1916.

(The following is a summary of the provisions of the Act.)

1. The Act is intended to provide for the payment of compensation to persons who have been injured or disabled as a result of the operations of the Government of the State of New York.

2. The Act provides that compensation shall be paid to persons who have been injured or disabled as a result of the operations of the Government of the State of New York, provided that the injury or disability was caused by the negligence of a person who was acting in the course of his or her duties as an employee of the Government of the State of New York.

3. The Act provides that compensation shall be paid to persons who have been injured or disabled as a result of the operations of the Government of the State of New York, provided that the injury or disability was caused by the negligence of a person who was acting in the course of his or her duties as an employee of the Government of the State of New York.

4. The Act provides that compensation shall be paid to persons who have been injured or disabled as a result of the operations of the Government of the State of New York, provided that the injury or disability was caused by the negligence of a person who was acting in the course of his or her duties as an employee of the Government of the State of New York.

5. The Act provides that compensation shall be paid to persons who have been injured or disabled as a result of the operations of the Government of the State of New York, provided that the injury or disability was caused by the negligence of a person who was acting in the course of his or her duties as an employee of the Government of the State of New York.

11. The Act is intended to provide for the payment of compensation to persons who have been injured or disabled as a result of the operations of the Government of the State of New York.

20	SCHEDULE