

New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. 19, 1925.

An Act to provide for the relief of certain soldier settlers; to provide for the revision of indebtedness to the Crown of discharged soldiers; for extension of the law relating to waiver and remission of rents and interest on soldiers' holdings, and the appraisalment of soldiers' holdings; to amend the Returned Soldiers Settlement Act, 1916; the Crown Lands Consolidation Act, 1913; the Closer Settlement Acts; and certain other Acts; and for purposes connected therewith. [Assented to, 22nd December, 1925.]

(c)

A

BE

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 "Returned Soldiers Settlement (Amendment) Act, 1925."

Amendment
of Returned
Soldiers
Settlement
Act, 1916.

2. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended as follows :—

(a) By inserting next after subsection seven of section 4B the following new subsections :—

(8) Where a discharged soldier has occupied a block and has died or dies prior to allotment, the Minister shall be deemed to have and always to have had authority to in his discretion allot the block subject to such conditions as he may prescribe to the widow or the legal representative of such soldier, and the provisions of this Act shall apply to and in respect of such allotment as if such allottee were a discharged soldier.

(9) When an allotment has been made but has not been confirmed within twelve months from the date of the allotment, the Minister may and shall be deemed always to have had authority to confirm the allotment.

(10) Except as may be otherwise provided by this Act or by regulation under this Act, the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, or of any other Act relating to the administration of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, shall not apply to lands disposed of under this section.

Sec. 6.

(b) By inserting in clause (e) of subsection one of section six after the words "section four" the words "or section 4B."

(c)

Returned Soldiers Settlement (Amendment).

- (c) By inserting at the end of subsection three of section seven the following new paragraph :—
 Where the Minister or the Commission has, before the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, determined the rate of interest payable under this section the rate of interest so determined may be reduced to such rate as the Minister or the Commission may deem fit.
- (d) By inserting in subsection four of section seven—
- (i) after the word “declared” the words “by notification in the Gazette”; and
 - (ii) by inserting after the word “jurisdiction” the following new paragraph :—
 By notification in the Gazette the Minister or the Water Conservation and Irrigation Commission may reverse any forfeiture under this section; and
 - (iii) by inserting at the end of section seven the following new paragraph :—
 Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.
- (e) By inserting in section 7B after the word “Gazette” the words “By like notification the Minister or the Water Conservation and Irrigation Commission may reverse any forfeiture so incurred.”
- (f) (i) By inserting next after subsection one of section nineteen the following new subsections :—
- (1A) Where a discharged soldier is the holder of land acquired under the Closer Settlement (Amendment) Act, 1919, and considers the charge of purchase-money on the

Returned Soldiers Settlement (Amendment).

the land is excessive, he may apply in the prescribed manner to have the value of his land and the amount of such charge determined.

(1B) Application shall be made within twelve months from the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, or in the case of a group purchase which is not confirmed prior to such commencement within twelve months after confirmation.

(ii) by inserting at the end of subsection two of the same section the following words "The Governor may appoint more than one such board, and may dissolve or reconstitute any such board";

(iii) by inserting next after subsection three of section nineteen the following new subsections:—

(3A) The price or capital value of any purchase, homestead selection, or lease shall be determined as at the date of application for determination having regard to the tenure and conditions upon which the applicant holds the same, but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

The board shall determine the freehold value of any land subject to a charge as at the date of the 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 charge shall be determined by deducting from the freehold value so determined:—

(a) in the case where the land subject to a charge is an incomplete purchase
the

Returned Soldiers Settlement (Amendment).

the balance of purchase money and any other sums due or payable to the Crown on such incomplete purchase at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, together with any amount which may have been paid by the purchaser to the vendor of the land or arranged for between them with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919;

- (b) in the case where the land subject to a charge was a homestead selection, homestead farm, conditional purchase lease, conditional lease, Crown lease, or settlement lease, the amount of the capital value at which such holding is or may have been convertible into conditional purchase together with the balance of survey fees and any other sums due or payable to the Crown on such holding at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, and any amount paid by the purchaser to the vendor of the land or arranged for between them with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.

(3B) The board's determination 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

Returned Soldiers Settlement (Amendment).

section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

(3c) The balance of purchase money owing on any 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 accordance with the amount of the price or capital value or charge of purchase money finally determined under this section.

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 capital value 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.

(3d) 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.

(g)

Returned Soldiers Settlement (Amendment).

- (g) By omitting subsection four of section nineteen and by inserting in lieu thereof the following new subsection :—

(4) Where after the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, the provisions of this section have been once availed of no further application thereunder or under any other Act to have the capital value, price, or value of the land determined shall be entertained.

3. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts is further amended by inserting after section twenty the following new short headings and sections :—

Further amendment of Act, 1916, No. 21.

Revision of Soldiers' Indebtedness.

21. (1) Notwithstanding any other provision in any Act on application made as prescribed the Minister may, if satisfied that the circumstances so warrant—

New s. 21. Power of Minister to waive or remit certain indebtedness.

- (a) waive or remit the payment by any discharged soldier of the whole or part of the interest or principal moneys due or to become due to the Crown in respect of advances made in pursuance of the Returned Soldiers Settlement Act, 1916, or for sustenance or other allowances ;
- (b) waive or remit the payment of the whole or part of the rent or interest (whether included in an instalment or not) on the balance of purchase money whether charged under the Closer Settlement (Amendment) Act, 1919, or not, or interest on the appraised value of Crown improvements due or to become due on any land held from the Crown by a discharged soldier ;
- (c) suspend or postpone or extend the time for commencement or completion of the payment of any rent or interest or instalments of purchase money whether charged under

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under the Closer Settlement (Amendment) Act, 1919, or not, due or to become due on land held from the Crown by a discharged soldier for such periods and subject to the payment of such interest and to the performance of such other conditions as he may see fit to impose.

(2) The Minister may allow interest only to be paid in lieu of instalments of purchase money whether charged under the Closer Settlement (Amendment) Act, 1919, or not, due or to become due on land held from the Crown by a discharged soldier for such periods and subject to such conditions as he may determine. Such interest at the prescribed rate or any lesser rate the Minister may determine, shall be paid annually on the date that the instalment would otherwise have been payable. The difference between the rate of interest so determined and the prescribed rate shall at the option of the Minister be remitted wholly or in part or paid at such subsequent times and in such amounts as the Minister may direct.

(3) Before waiver or remission of interest, principal moneys, or rent under paragraphs (a) and (b) of subsection one of this section is granted, the applicant shall exercise his right to apply in pursuance of the provisions of this Act or any other Act for determination of the price or capital value of or the charge of purchase money on the land in respect of which waiver or remission is sought, or in the prescribed manner shall renounce his right to so apply.

(4) Where permission to pay interest in lieu of instalments of purchase money or a suspension, postponement, or extension is granted under this section, the Minister may, at his discretion, direct that the permission, suspension, postponement, or extension shall cease to have effect upon the non-fulfilment of any condition of the permission, suspension, postponement, or extension.

(5)

Returned Soldiers Settlement (Amendment).

(5) This section shall apply to lands held by discharged soldiers whether acquired under the Crown Lands Acts, the Closer Settlement Acts, or the Returned Soldiers Settlement Act, 1916, and irrespective of whether such lands were acquired by the applicants for relief before or after their enlistment for active service, but shall not apply to lands within an irrigation area or to lands within the irrigation areas constituted under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or to the indebtedness to the Crown of discharged soldiers holding lands within such irrigation areas.

Crown grants—reservations.

22. (1) No Crown grant issued under the authority of this Act shall be expressed or purport to be in trust for private persons or purposes.

New s. 22.
Crown grants—
reservations.

(2) Notwithstanding anything to the contrary contained in any notification of the setting apart of lands under this Act, all Crown grants of land issued under the authority of this Act shall contain a reservation of all minerals in the land and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

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By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1925.

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, 16 December, 1925.*

New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. 19, 1925.

An Act to provide for the relief of certain soldier settlers; to provide for the revision of indebtedness to the Crown of discharged soldiers; for extension of the law relating to waiver and remission of rents and interest on soldiers' holdings, and the appraisement of soldiers' holdings; to amend the Returned Soldiers Settlement Act, 1916; the Crown Lands Consolidation Act, 1913; the Closer Settlement Acts; and certain other Acts; and for purposes connected therewith. [Assented to, 22nd December, 1925.]

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.

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 "Returned Soldiers Settlement (Amendment) Act, 1925."

Amendment
of Returned
Soldiers
Settlement
Act, 1916.

2. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended as follows:—

(a) By inserting next after subsection seven of section 4B the following new subsections:—

(8) Where a discharged soldier has occupied a block and has died or dies prior to allotment, the Minister shall be deemed to have and always to have had authority to in his discretion allot the block subject to such conditions as he may prescribe to the widow or the legal representative of such soldier, and the provisions of this Act shall apply to and in respect of such allotment as if such allottee were a discharged soldier.

(9) When an allotment has been made but has not been confirmed within twelve months from the date of the allotment, the Minister may and shall be deemed always to have had authority to confirm the allotment.

(10) Except as may be otherwise provided by this Act or by regulation under this Act, the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, or of any other Act relating to the administration of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, shall not apply to lands disposed of under this section.

Sec. 6.

(b) By inserting in clause (e) of subsection one of section six after the words "section four" the words "or section 4B."

(c)

Returned Soldiers Settlement (Amendment).

- (c) By inserting at the end of subsection three of ^{Sec. 7.} section seven the following new paragraph:—

Where the Minister or the Commission has, before the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, determined the rate of interest payable under this section the rate of interest so determined may be reduced to such rate as the Minister or the Commission may deem fit.

- (d) By inserting in subsection four of section seven—

- (i) after the word “declared” the words “by notification in the Gazette”; and
(ii) by inserting after the word “jurisdiction” the following new paragraph:—

By notification in the Gazette the Minister or the Water Conservation and Irrigation Commission may reverse any forfeiture under this section; and

- (iii) by inserting at the end of section seven the following new paragraph:—

Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

- (e) By inserting in section 7B after the word ^{Sec. 7B} “Gazette” the words “By like notification the Minister or the Water Conservation and Irrigation Commission may reverse any forfeiture so incurred.”

- (f) (i) By inserting next after subsection one of ^{Sec. 19.} section nineteen the following new subsections:—

(1A) Where a discharged soldier is the holder of land acquired under the Closer Settlement (Amendment) Act, 1919, and considers the charge of purchase-money on the
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the land is excessive, he may apply in the prescribed manner to have the value of his land and the amount of such charge determined.

(1B) Application shall be made within twelve months from the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, or in the case of a group purchase which is not confirmed prior to such commencement within twelve months after confirmation.

(ii) by inserting at the end of subsection two of the same section the following words "The Governor may appoint more than one such board, and may dissolve or reconstitute any such board";

(iii) by inserting next after subsection three of section nineteen the following new subsections:—

(3A) The price or capital value of any purchase, homestead selection, or lease shall be determined as at the date of application for determination having regard to the tenure and conditions upon which the applicant holds the same, but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

The board shall determine the freehold value of any land subject to a charge as at the date of the 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 charge shall be determined by deducting from the freehold value so determined:—

(a) in the case where the land subject to a charge is an incomplete purchase the

Returned Soldiers Settlement (Amendment).

the balance of purchase money and any other sums due or payable to the Crown on such incomplete purchase at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, together with any amount which may have been paid by the purchaser to the vendor of the land or arranged for between them with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919;

- (b) in the case where the land subject to a charge was a homestead selection, homestead farm, conditional purchase lease, conditional lease, Crown lease, or settlement lease, the amount of the capital value at which such holding is or may have been convertible into conditional purchase together with the balance of survey fees and any other sums due or payable to the Crown on such holding at the date of the acquisition of the land under the Closer Settlement (Amendment) Act, 1919, and any amount paid by the purchaser to the vendor of the land or arranged for between them with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.

(3B) The board's determination 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

Returned Soldiers Settlement (Amendment).

section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

(3c) The balance of purchase money owing on any 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 accordance with the amount of the price or capital value or charge of purchase money finally determined under this section.

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 capital value 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.

(3d) 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.

(g)

Returned Soldiers Settlement (Amendment).

(g) By omitting subsection four of section nineteen and by inserting in lieu thereof the following new subsection :—

(4) Where after the commencement of the Returned Soldiers Settlement (Amendment) Act, 1923, the provisions of this section have been once availed of no further application thereunder or under any other Act to have the capital value, price, or value of the land determined shall be entertained.

3. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts is further amended by inserting after section twenty the following new short headings and sections :—

Further amendment of Act, 1916, No. 21.

Revision of Soldiers' Indebtedness.

21. (1) Notwithstanding any other provision in any Act on application made as prescribed the Minister may, if satisfied that the circumstances so warrant—

New s. 21. Power of Minister to waive or remit certain indebtedness.

- (a) waive or remit the payment by any discharged soldier of the whole or part of the interest or principal moneys due or to become due to the Crown in respect of advances made in pursuance of the Returned Soldiers Settlement Act, 1916, or for sustenance or other allowances ;
- (b) waive or remit the payment of the whole or part of the rent or interest (whether included in an instalment or not) on the balance of purchase money whether charged under the Closer Settlement (Amendment) Act, 1919, or not, or interest on the appraised value of Crown improvements due or to become due on any land held from the Crown by a discharged soldier ;
- (c) suspend or postpone or extend the time for commencement or completion of the payment of any rent or interest or instalments of purchase money whether charged under

Returned Soldiers Settlement (Amendment).

under the Closer Settlement (Amendment) Act, 1919, or not, due or to become due on land held from the Crown by a discharged soldier for such periods and subject to the payment of such interest and to the performance of such other conditions as he may see fit to impose.

(2) The Minister may allow interest only to be paid in lieu of instalments of purchase money whether charged under the Closer Settlement (Amendment) Act, 1919, or not, due or to become due on land held from the Crown by a discharged soldier for such periods and subject to such conditions as he may determine. Such interest at the prescribed rate or any lesser rate the Minister may determine, shall be paid annually on the date that the instalment would otherwise have been payable. The difference between the rate of interest so determined and the prescribed rate shall at the option of the Minister be remitted wholly or in part or paid at such subsequent times and in such amounts as the Minister may direct.

(3) Before waiver or remission of interest, principal moneys, or rent under paragraphs (a) and (b) of subsection one of this section is granted, the applicant shall exercise his right to apply in pursuance of the provisions of this Act or any other Act for determination of the price or capital value of or the charge of purchase money on the land in respect of which waiver or remission is sought, or in the prescribed manner shall renounce his right to so apply.

(4) Where permission to pay interest in lieu of instalments of purchase money or a suspension, postponement, or extension is granted under this section, the Minister may, at his discretion, direct that the permission, suspension, postponement, or extension shall cease to have effect upon the non-fulfilment of any condition of the permission, suspension, postponement, or extension.

(5)

Returned Soldiers Settlement (Amendment).

(5) This section shall apply to lands held by discharged soldiers whether acquired under the Crown Lands Acts, the Closer Settlement Acts, or the Returned Soldiers Settlement Act, 1916, and irrespective of whether such lands were acquired by the applicants for relief before or after their enlistment for active service, but shall not apply to lands within an irrigation area or to lands within the irrigation areas constituted under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or to the indebtedness to the Crown of discharged soldiers holding lands within such irrigation areas.

Crown grants—reservations.

22. (1) No Crown grant issued under the authority of this Act shall be expressed or purport to be in trust for private persons or purposes.

New s. 22.
Crown
grants—
reservations.

(2) Notwithstanding anything to the contrary contained in any notification of the setting apart of lands under this Act, all Crown grants of land issued under the authority of this Act shall contain a reservation of all minerals in the land and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.

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

D. R. S. DE CHAIR,
Governor.

*Government House,
Sydney, 22nd December, 1925.*

THE CHURCH

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1925.

Legislative Council.

Returned Soldiers Settlement (Amendment) Bill, 1925.

EXPLANATORY NOTE.

The objects of this Bill are to provide for—

- (a) the revision of soldiers' indebtedness, and to confer power on the Minister to grant waiver remission or suspension of payments and for extension of time to make payments if, after due inquiry, he considers the circumstances of the particular case warrant such a course ;
 - (b) the writing down of advances and sustenance debts in respect of both principal and interest after due inquiry ;
 - (c) the reduction or writing off of interest on land liabilities and the writing off of rent after due inquiry into the circumstances of any particular case ;
 - (d) the extension of the period in which to pay for land and for the payment of interest only at reduced rates in lieu of instalments of purchase money if it is considered that the concession is warranted in any particular case ;
 - (e) amendments of the Returned Soldiers Settlement Act, 1916, and other Acts, to enable the above objects to be carried into effect ;
 - (f) certain amendments to meet cases of hardship, e.g., when a soldier has died before allotment of his holding, and to enable reversals of forfeiture, &c.
 - (g) the appointment, if required, of more than one special board to deal with matters arising under the Acts as amended.
-

*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, 18 November, 1925.*

New South Wales.



ANNO SEXTO DECIMO

GEORGII V REGIS.

Act No. , 1925.

An Act to provide for the relief of certain soldier settlers; to provide for the revision of indebtedness to the Crown of discharged soldiers; for extension of the law relating to waiver and remission of rents and interest on soldiers' holdings, and the appraisalment of soldiers' holdings; to amend the Returned Soldiers Settlement Act, 1916; the Crown Lands Consolidation Act, 1913; the Closer Settlement Acts; and certain other Acts; and for purposes connected therewith.

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 "Returned Soldiers Settlement (Amendment) Act, 1925." Short title.

2. The Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts, is amended as follows :— Amendment of Returned Soldiers Settlement Act, 1916.

(a) By inserting next after subsection seven of section 4B the following new subsections :—

(8) Where a discharged soldier has occupied a block and has died or dies prior to allotment, the Minister shall be deemed to have and always to have had authority to in his discretion allot the block subject to such conditions as he may prescribe to the widow or the legal representative of such soldier, and the provisions of this Act shall apply to and in respect of such allotment as if such allottee were a discharged soldier.

(9) When an allotment has been made but has not been confirmed within twelve months from the date of the allotment, the Minister may and shall be deemed always to have had authority to confirm the allotment.

(10) Except as may be otherwise provided by this Act or by regulation under this Act, the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, or of any other Act relating to the administration of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, shall not apply to lands disposed of under this section.

(b) By inserting in clause (e) of subsection one of section six after the words "section four" the words "or section 4B." Sec. 6.

(c)

Returned Soldiers Settlement (Amendment).

- (c) By inserting at the end of subsection three of Sec. 7.
section seven the following new paragraph :—
Where the Minister or the Commission has,
before the commencement of the Returned
Soldiers Settlement (Amendment) Act, 1925,
determined the rate of interest payable under
this section the rate of interest so determined
may be reduced to such rate as the Minister
or the Commission may deem fit.
- (d) By inserting in subsection four of section
seven—
(i) after the word “declared” the words
“by notification in the Gazette”; and
(ii) by inserting after the word “juris-
diction” the following new para-
graph :—
By notification in the Gazette the
Minister or the Water Conservation and
Irrigation Commission may reverse any
forfeiture under this section; and
(iii) by inserting at the end of section seven
the following new paragraph :—
Upon forfeiture, the provisions of
section two hundred and six, subsection
two, of the Crown Lands Consolidation
Act, 1913, shall apply, except in the
case of a holding within an irrigation
area, or under the Wentworth Irrigation
Act, or the Hay Irrigation Act, 1902.
- (e) By inserting in section 7B after the word Sec. 7B.
“Gazette” the words “By like notification
the Minister or the Water Conservation and
Irrigation Commission may reverse any
forfeiture so incurred.”
- (f) (i) By inserting next after subsection one of Sec. 19.
section nineteen the following new sub-
sections :—
(1A) Where a discharged soldier is the
holder of land acquired under the Closer
Settlement (Amendment) Act, 1919, and
considers the charge of purchase-money on
the

Returned Soldiers Settlement (Amendment).

the land is excessive, he may apply in the prescribed manner to have the value of his land and the amount of such charge determined.

5 (1B) Application shall be made within twelve months from the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, or in the case of a group purchase which is not confirmed prior to
10 such commencement within twelve months after confirmation.

(ii) by inserting at the end of subsection two of the same section the following words
15 "The Governor may appoint more than one such board, and may dissolve or reconstitute any such board";

(iii) by inserting next after subsection three of section nineteen the following new subsections:—

20 (3A) The price or capital value of any purchase, homestead selection, or lease shall be determined as at the date of application for determination having regard to the tenure and conditions upon which the
25 applicant holds the same, but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

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

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

40 (a) in the case where the land subject to a charge is an incomplete purchase
the

Returned Soldiers Settlement (Amendment).

5 the balance of purchase money and
any other sums due or payable to the
Crown on such incomplete purchase
at the date of the acquisition of the
land under the Closer Settlement
(Amendment) Act, 1919, together
with any amount which may have
been paid by the purchaser to the
10 vendor of the land or arranged for
between them with the consent of
the Minister as provided by sections
six and seven of the Closer Settle-
ment (Amendment) Act, 1919;

15 (b) in the case where the land subject to
a charge was a homestead selection,
homestead farm, conditional purchase
lease, conditional lease, Crown lease,
or settlement lease, the amount of
the capital value at which such
20 holding is or may have been con-
vertible into conditional purchase
together with the balance of survey
fees and any other sums due or
payable to the Crown on such holding
25 at the date of the acquisition of the
land under the Closer Settlement
(Amendment) Act, 1919, and any
amount paid by the purchaser to the
vendor of the land or arranged for
30 between them with the consent of
the Minister as provided by sections
six and seven of the Closer Settlement
(Amendment) Act, 1919.

35 (3B) The board's determination 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
40 as is provided for cases of reference under
section

Returned Soldiers Settlement (Amendment).

section one hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

5 (3c) The balance of purchase money owing on any 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 accordance with the amount of the price or
10 capital value or charge of purchase money finally determined under this section.

15 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.

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

25 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.

30 (3d) 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
35 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
40 determined as if such reduction or depreciation had not taken place.

(g)

Returned Soldiers Settlement (Amendment).

(g) By omitting subsection four of section nineteen and by inserting in lieu thereof the following new subsection:—

5 (4) Where after the commencement of the Returned Soldiers Settlement (Amendment) Act, 1925, the provisions of this section have been once availed of no further application thereunder or under any other Act to have the capital value, price, or value
10 of the land determined shall be entertained.

3. The Returned Soldiers Settlement Act, 1916, as Further amended by subsequent Acts is further amended by amendment of Act, 1916, inserting after section twenty the following new short No. 21. headings and sections:—

15 *Revision of Soldiers' Indebtedness.*

21. (1) Notwithstanding any other provision in New s. 21. any Act on application made as prescribed the Power of Minister to Minister may, if satisfied that the circumstances so waive or remit certain warrant— indebtedness.

- 20 (a) waive or remit the payment by any discharged soldier of the whole or part of the interest or principal moneys due or to become due to the Crown in respect of advances made in pursuance of the
25 Returned Soldiers Settlement Act, 1916, or for sustenance or other allowances ;
- 30 (b) waive or remit the payment of the whole or part of the rent or interest (whether included in an instalment or not) on the balance of purchase money whether charged under the Closer Settlement (Amendment) Act, 1919, or not, or interest on the appraised value of Crown improvements due or to become due on
35 any land held from the Crown by a discharged soldier ;
- 40 (c) suspend or postpone or extend the time for commencement or completion of the payment of any rent or interest or instalments of purchase money whether charged under

Returned Soldiers Settlement (Amendment).

5 under the Closer Settlement (Amendment)
 Act, 1919, or not, due or to become due on
 land held from the Crown by a discharged
 soldier for such periods and subject to
 the payment of such interest and to the
 performance of such other conditions as
 he may see fit to impose.

10 (2) The Minister may allow interest only to
 be paid in lieu of instalments of purchase money
 whether charged under the Closer Settlement
 (Amendment) Act, 1919, or not, due or to become
 due on land held from the Crown by a discharged
15 soldier for such periods and subject to such
 conditions as he may determine. Such interest at
 the prescribed rate or any lesser rate the Minister
 may determine, shall be paid annually on the date
 that the instalment would otherwise have been
 payable. The difference between the rate of
20 interest so determined and the prescribed rate shall
 at the option of the Minister be remitted wholly or
 in part or paid at such subsequent times and in
 such amounts as the Minister may direct.

25 (3) Before waiver or remission of interest,
 principal moneys, or rent under paragraphs (a) and
 (b) of subsection one of this section is granted, the
 applicant shall exercise his right to apply in
 pursuance of the provisions of this Act or any other
 Act for determination of the price or capital value
 of or the charge of purchase money on the land in
30 respect of which waiver or remission is sought, or
 in the prescribed manner shall renounce his right
 to so apply.

35 (4) Where permission to pay interest in lieu
 of instalments of purchase money or a suspension,
 postponement, or extension is granted under this
 section, the Minister may, at his discretion, direct
 that the permission, suspension, postponement, or
 extension shall cease to have effect upon the non-
40 fulfilment of any condition of the permission,
 suspension, postponement, or extension.

(5)

Returned Soldiers Settlement (Amendment).

5 (5) This section shall apply to lands held by
discharged soldiers whether acquired under the
Crown Lands Acts, the Closer Settlement Acts, or
the Returned Soldiers Settlement Act, 1916, and
10 irrespective of whether such lands were acquired
by the applicants for relief before or after their
enlistment for active service, but shall not apply to
lands within an irrigation area or to lands within
the irrigation areas constituted under the Went-
worth Irrigation Act and the Hay Irrigation Act,
1902, or to the indebtedness to the Crown of dis-
charged soldiers holding lands within such irrigation
areas.

Crown grants—reservations.

15 22. (1) No Crown grant issued under the New s. 22.
authority of this Act shall be expressed or purport Crown
to be in trust for private persons or purposes. grants—
reservations.

20 (2) Notwithstanding anything to the con-
trary contained in any notification of the setting
apart of lands under this Act, all Crown grants of
land issued under the authority of this Act shall
contain a reservation of all minerals in the land
and shall contain such other reservations and
25 exceptions as may by the Governor be deemed
expedient in the public interest.

Special Note.

The main Act dealing with Returned Soldiers' Settlement is the Returned Soldiers' Settlement Act 1916 No. 21.

The following amending Acts have been passed and may need to be referred to viz:- Returned Soldiers' Settlement (Amendment) Acts 1917 No. 24, 1919 No. 51, 1922 No. 5 and the Crown Lands and Closer Settlement (Amending) Act 1924 No. 52.

The existing law (Returned Soldiers' Settlement Act 1916, amended as above stated) so far as it is affected by this Bill is shown in black type.

The additions proposed to be made in the law are shown in red type.

The words proposed to be omitted are ruled through (see page 6)

SOLDIERS' GROUP PURCHASES.

Section 4B. (1) The Minister may by notification in the Gazette set apart for sale any Crown lands or lands acquired under the Closer Settlement Acts or otherwise as a settlement for a group of discharged soldiers, stating therein the prices and the terms and conditions of sale of such lands. Any notification under this section may by like notification be amended or revoked.

(2)	x .	x	x	x	x
(3)	x	x	x	x	x
(4)	x	x	x	x	x
(5)	x	x	x	x	x
(6)	x	x	x	x	x
(7)	x	x	x	x	x

(8) Where a discharged soldier has occupied a block and has died or dies prior to allotment, the Minister shall be deemed to have and always to have had authority to in his discretion allot the block subject to such conditions as he may prescribe to the widow or the legal representative of such soldier, and the provisions of this Act shall apply to and in respect of such allotment as if such allottee were a discharged soldier.

(9) When an allotment has been made but has not been confirmed within twelve months from the date of the allotment, the Minister may and shall be deemed always to have had authority to confirm the allotment.



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(10) Except as may be otherwise provided by this Act or by regulation under this Act, the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, or of any other Act relating to the administration of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, shall not apply to lands disposed of under this section.

REGULATIONS.

Section 6	(1)	The Governor may make regulations prescribing -				
	(a)	x	x	x	x	x
	(b)	x	x	x	x	x
	(c)	x	x	x	x	x
	(d)	x	x	x	x	x
	(e)	the application of any of the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, and any Act amending the same, or of any other Act relating to the administration of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to lands disposed of under section four or section 4B hereof;				
	(f)	x	x	x	x	x
	(2)	x	x	x	x	x

. FINANCIAL AND OTHER ASSISTANCE TO SETTLERS UNDER THIS ACT.

Section 7.	(1)	x	x	x	x	Minister may
	(2)	x	x	x	x	assist set-
	(2A)	x	x	x	x	tlers with re-
	(2B)	x	x	x	x	spect to erec-
						tion of build-
						ings, purchase
						of stock, etc.

(3) All moneys advanced or expended by the Minister or the Water Conservation and Irrigation Commission, as the case may be, under the authority of this section in respect of any land shall bear interest at such rate as may be determined by the Minister or such Commission.

Such moneys shall be secured by one or more of the undermentioned securities -

- (a) a first mortgage over the said land and any improvements thereon, or over the interest of the settler in the said land and improvements;
- (b) a stock mortgage;
- (c) a hire purchase agreement;

(d)

Section 7.(3) (d) such other security or securities as the
(Continued) Minister or the Water Conservation and
Irrigation Commission shall deem sufficient:

Provided that the Minister or the Water Conservation and Irrigation Commission may, in any case of hardship dispense, either wholly or in part, with the payment of interest under this section:

Provided also that the rate of interest per annum for advances made under this section shall not exceed three and one-half per centum for the first year, four per centum for the second year, and so on, the rate increasing by not more than one-half per centum for each subsequent year until such rate reaches the rate determined as aforesaid.

Where the Minister or the Commission has, before the commencement of the Returned Soldiers' Settlement (Amendment) Act, 1925, determined the rate of interest payable under this section the rate of interest so determined may be reduced to such rate as the Minister or the Commission may deem fit.

- (4) If default is made in the payment of any moneys advanced or expended at any time under this section or of any instalment thereof or interest thereon, for a period of three months after demand made for payment thereof, the holding in respect of which the money has been advanced or expended may be declared by notification in the Gazette forfeited to the Crown, together with all moneys paid thereon and all improvements on the land. Such demand shall be in writing signed by a person authorised by the Minister, or in the case of lands within an irrigation area as defined in any Act by the Water Conservation and Irrigation Commission, and may be made by sending it by post to the owner of the holding at his last known address.

All such moneys with interest thereon shall be a debt due by the person to whom the advance was made and shall be recoverable and any security for such moneys shall be enforceable by the Minister or the Water Conservation and Irrigation Commission in any court of competent jurisdiction.

By notification in the Gazette the Minister or the Water Conservation and Irrigation Commission may reverse any forfeiture under this section.

Notwithstanding any Act to the contrary, no fee or charge shall be demanded or paid for the registration of any security or the release or discharge of any such security given under this Act or for any affidavit sworn in verification thereof.

Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS AND ARCHITECTURE

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Section 7B. If satisfied that any condition attaching to any holding under this Act has not been or is not being duly complied with, or that reasonably full use of the holding for the purposes for which it is best suited is not being made, or upon default being made in the payment of any instalment of purchase money or rent or charges for water, for six months after the due date for payment thereof, the Minister, or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission, may forfeit such holding and all improvements thereon as well as all moneys paid in respect thereof, by notification published in the Gazette: **By like notification the Minister or the Water Conservation and Irrigation Commission may reverse any forfeiture so incurred.**

Provided that the Minister, or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission, may waive any forfeiture so incurred if the Minister or such Commission considers the circumstances warrant it, and may attach conditions to such waiver which shall thereupon be deemed to be conditions attaching to the holding.

This section shall also apply to leases under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or any amendments of those Acts in connection with which advances are made under this Act.

Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

APPRAISEMENT OF SOLDIERS' HOLDINGS.

.Section 19. (1) Where a discharged soldier is the holder of land under the Crown Lands Acts, the Returned Soldiers' Settlement Act, 1916 (other than land within an irrigation area) or the Closer Settlement Acts, and considers the price or capital value excessive, he may apply in the prescribed manner to have such price or capital value determined. Appraise-
ment of
Soldiers'
Holdings.

(1A) Where a discharged soldier is the holder of land acquired under the Closer Settlement (Amendment) Act, 1919, and considers the charge of purchase-money on the land is excessive, he may apply in the prescribed manner to have the value of his land and the amount of such charge determined.

(1B) Application shall be made within twelve months from the commencement of the Returned Soldiers' Settlement (Amendment) Act, 1925, or in the case of a group purchase which is not confirmed prior to such commencement within twelve months after confirmation.

(2) Any application lodged in pursuance of this
section/

Section 19.(2)
(Continued)

section shall be dealt with by a local land board or by a board consisting of not more than three persons who shall be appointed by the Governor; one of such persons shall be appointed chairman, and at least one member shall be a resident of the land district in which the land is situated. **The Governor may appoint more than one such board, and may dissolve or reconstitute any such board.**

(3) The Board and the Chairman thereof shall in any inquiry and determination under this section have respectively the like powers as are conferred on a local land board under section fourteen of the Crown Lands Consolidation Act, 1913.

(3A) The price or capital value of any purchase, homestead selection, or lease shall be determined as at the date of application for determination having regard to the tenure and conditions upon which the applicant holds the same but assuming that any improvements effected on such land since the date of commencement of title thereto do not exist.

The Board shall determine the freehold value of any land subject to a charge as at the date of the application for determination but assuming that any improvements effected on such land since the date of creation of the charge do not exist.

The amount of charge shall be determined by deducting from the freehold value so determined:-

- (a) in the case where the land subject to a charge is an incomplete purchase the balance of purchase money and any other sums due or payable to the Crown on such incomplete purchase at the date of creation of such charge together with any amount which may have been paid by the purchaser to the vendor of the land with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919;**
- (b) in the case where the land subject to a charge was a homestead selection, homestead farm, conditional purchase lease, conditional lease, Crown lease, or settlement lease, the amount of the capital value at which such holding is or may have been convertible into conditional purchase together with the balance of survey fees and any other sums due or payable to the Crown on such holding at the date of creation of such charge and any amount paid by the purchaser to the vendor of the land with the consent of the Minister as provided by sections six and seven of the Closer Settlement (Amendment) Act, 1919.**

(3B) The Board's determination 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 or reference under section one

Section 19 (3B)
(Continued)

hundred and sixty-six of the Crown Lands Consolidation Act, 1913.

(3C) The balance of purchase money owing on any 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 accordance with the amount of the price or capital value or charge of purchase money finally determined under this section.

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 capital value 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.

(3D) 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.

(4) Where the provisions of this section have been once availed of no further application thereunder ~~in respect of the same land shall be entertained~~ or under any other Act to have the capital value, price, or value of the land determined shall be entertained.

REVISION OF SOLDIERS' INDEBTEDNESS.

- Section 21. (1) Notwithstanding any other provision in any Act on application made as prescribed the Minister may, if satisfied that the circumstances so warrant -
- New s. 21
Power of
Minister to
waive or re-
mit certain
indebted-
ness.
- (a) waive or remit the payment by any discharged soldier of the whole or part of the interest or principal moneys due or to become due to the Crown in respect of advances made in pursuance of the Returned Soldiers' Settlement Act, 1916, or for sustenance or other allowances;
- (b) waive or remit the payment of the whole or part of the rent or interest

Section 21 (1) (b) (whether included in an instalment or
(Continued) not) on the balance of purchase money
whether charged under the Closer
Settlement (Amendment) Act, 1919, or
not, or interest on the appraised value
of Crown improvements due or to become
due on any land held from the Crown by
a discharged soldier;

(c) suspend or postpone or extend the time
for commencement or completion of the
payment of any rent or interest or
instalments of purchase money whether
charged under the Closer Settlement
(Amendment) Act, 1919, or not, due or
to become due on land held from the
Crown by a discharged soldier for such
periods and subject to the payment of
such interest and to the performance
of such other conditions as he may see
fit to impose.

(2) The Minister may allow interest only to
be paid in lieu of instalments of purchase
money whether charged under the Closer Settle-
ment (Amendment) Act, 1919, or not, due or
to become due on land held from the Crown by
a discharged soldier for such periods and sub-
ject to such conditions as he may determine.
Such interest at the prescribed rate or any
lesser rate the Minister may determine, shall
be paid annually on the date that the instal-
ment would otherwise have been payable. The
difference between the rate of interest so
determined and the prescribed rate shall at
the option of the Minister be remitted wholly
or in part or paid at such subsequent times
and in such amounts as the Minister may direct.

(3) Before waiver or remission of interest,
principal moneys, or rent under paragraphs (a)
and (b) of subsection one of this section is
granted, the applicant shall exercise his
right to apply in pursuance of the provisions
of this Act or any other Act for determination
of the price or capital value of or the charge
of purchase money on the land in respect of
which waiver or remission is sought, or in the
prescribed manner shall renounce his right to
so apply.

(4) Where permission to pay interest in lieu
of instalments of purchase money or a suspen-
sion, postponement, or extension is granted
under this section, the Minister may, at his
discretion, direct that the permission, sus-
pension, postponement, or extension shall cease
to have effect upon the non-fulfilment of any
condition of the permission, suspension, post-
ponement or extension.

(5) This section shall apply to lands held by
discharged soldiers whether acquired under the
Crown Lands Acts, the Closer Settlement Acts,
or the Returned Soldiers' Settlement Act, 1916,
and irrespective of whether such lands were ac-
quired by the applicants for relief before or
after their enlistment for active service, but

shall/

shall not apply to lands within an irrigation area or to lands within the irrigation areas constituted under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or to the indebtedness to the Crown of discharged soldiers holding lands within such irrigation areas.

CROWN GRANTS - RESERVATIONS.

Section 22.

(1) No Crown grant issued under the authority of this Act shall be expressed or purport to be in trust for private persons or purposes.

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Crown
grants -
reservations.

(2) Notwithstanding anything to the contrary contained in any notification of the setting apart of lands under this Act, all Crown grants of land issued under the authority of this Act shall contain a reservation of all minerals in the land and shall contain such other reservations and exceptions as may by the Governor be deemed expedient in the public interest.



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Crown
Grants
Reservations.