New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

* *

Act No. 49, 1928.

An Act to make further provision as to the settlement of returned soldiers; to validate certain actions of the Minister for Lands; to amend the Returned Soldiers' Settlement Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 29th December, 1928.]

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, 1928," and shall be read and construed with the Returned Soldiers' Settlement Act, 1916, as amended by subsequent Acts. Short title.

That

That Act as so amended is in this Act referred to as the Principal Act.

Amendment of Act No. 21, 1916. Sec. 19. (Appraisements.)

2. The Principal Act is amended by omitting from subsection (1B) of section nineteen the figures "1925" and by inserting in lieu thereof the figures "1928."

Further amendment of Act No. 21, 1916.

3. The Principal Act is further amended—

Sec. 5. (Appeal.)

(a) by omitting section five and by inserting in lieu thereof the following new section:—

5. Any party to any proceeding before a local land board, or chairman, or board constituted under section nineteen of this Act shall have the same right of appeal and the Minister shall have the same right of reference to the Land and Valuation Court as is provided for under the Crown Lands Consolidation Act, 1913, and such court shall have power to hear and determine all such appeals and references.

Sec. 7. (Assistance.)

(b) by inserting in section seven next after subsection three the following new subsection:—

(3A) The Minister for the purposes of this section shall be a corporation sole under the name of the Minister for Lands, and by that name shall have perpetual succession and an official seal, and may sue and be sued, and may take and hold property, real and personal, of any nature whatsoever.

Where any property or interest therein is vested in the Minister for Lands as such corporation sole or in pursuance of this Act, or has prior to the commencement of the Returned Soldiers' Settlement (Amendment) Act, 1928, been or become vested in any Minister holding such office under or in accordance with the provisions of this Act, the same shall, unless and until disposed of by the Minister for the time being in execution of his duties under this Act, pass and devolve to and be deemed always to have passed and devolved to or become vested in his successors in office.

(c)

(c) by inserting at the end of section ten the following new subsections:—

(2) Except where the land is within an irrigation area, the provisions of this section shall not apply to the transfer of any parcel of land part of that comprised in a grant if such transfer is in accordance with a registered plan of subdivision consented to by the Minister, and any such parcel may thereafter be dealt with without any consent of the Minister. Sec. 10.

(3) A consent under subsection two of this section shall be in the form prescribed by regulations made under this Act and may be registered in manner prescribed by regulations made under the Conveyancing Act, 1919.

(d) (i) by inserting at the end of subsection (3B) of section nineteen the words— Sec. 19 (3B).

A reference by the Minister may be made as provided by section twenty of the Crown Lands Consolidation Act, 1913, in any case where the Minister is of opinion that a rehearing or further consideration is warranted, but no reference shall be made as provided by that section in any case where the price or capital value only is in issue.

(ii) by inserting in subsection (3C) of the same section after the words "amount paid" the words "or to be paid"; Sec. 19 (3C).

(iii) by inserting in the same subsection after the words "the consent of the Minister as provided by" the words "sections twelve and fourteen of the Closer Settlement (Amendment) Act, 1918, or by."

4. A discharged soldier who has applied for and obtained a determination of the capital value of land under the provisions of section one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913, as inserted by the Crown Lands (Amendment) Act, 1927, or section two of the Closer Settlement and Returned Soldiers' Settlement (Amendment) Act, 1927, or section nineteen Restriction on right to apply for reappraisement.

nineteen of the Returned Soldiers' Settlement Act, 1916, as amended by the Returned Soldiers' Settlement (Amendment) Act, 1925, shall not be entitled to apply for a determination of the capital value thereof under the provisions of section nineteen of the Returned Soldiers' Settlement Act, 1916, as amended by this Act.

Validation.

5. The action of the Minister in requiring a formal application to be lodged with the Crown land agent for a farm or block deemed to have been confirmed by virtue of a certificate of preferential right in accordance with section 3A of the Principal Act and in regarding the date of such application as the date from which the title to such farm or block commenced is hereby validated.

By Authority :
ALFRED JAMES KENT, Government Printer, Sydney, 1929.

3*d.*

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. R. McCOURT,
For Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 20 *December*, 1928.

New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

* *

Act No. 49, 1928.

An Act to make further provision as to the settlement of returned soldiers; to validate certain actions of the Minister for Lands; to amend the Returned Soldiers' Settlement Act, 1916, and certain other Acts; and for purposes connected therewith. [Assented to, 29th December, 1928.]

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, 1928," and shall be read and construed with the Returned Soldiers' Settlement Act, 1916, as amended by subsequent Acts. Short title.

That

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

R. B. WALKER,
Chairman of Committees of the Legislative Assembly.

That Act as so amended is in this Act referred to as the Principal Act.

Amendment of Act No. 21, 1916. Sec. 19. (Appraisements.)

2. The Principal Act is amended by omitting from subsection (1B) of section nineteen the figures "1925" and by inserting in lieu thereof the figures "1928."

Further amendment of Act No. 21, 1916.

3. The Principal Act is further amended—

Sec. 5. (Appeal.)

(a) by omitting section five and by inserting in lieu thereof the following new section:—

5. Any party to any proceeding before a local land board, or chairman, or board constituted under section nineteen of this Act shall have the same right of appeal and the Minister shall have the same right of reference to the Land and Valuation Court as is provided for under the Crown Lands Consolidation Act, 1913, and such court shall have power to hear and determine all such appeals and references.

Sec. 7. (Assistance.)

(b) by inserting in section seven next after subsection three the following new subsection:—

(3A) The Minister for the purposes of this section shall be a corporation sole under the name of the Minister for Lands, and by that name shall have perpetual succession and an official seal, and may sue and be sued, and may take and hold property, real and personal, of any nature whatsoever.

Where any property or interest therein is vested in the Minister for Lands as such corporation sole or in pursuance of this Act, or has prior to the commencement of the Returned Soldiers' Settlement (Amendment) Act, 1928, been or become vested in any Minister holding such office under or in accordance with the provisions of this Act, the same shall, unless and until disposed of by the Minister for the time being in execution of his duties under this Act, pass and devolve to and be deemed always to have passed and devolved to or become vested in his successors in office.

(c)

(c) by inserting at the end of section ten the following new subsections:—

(2) Except where the land is within an irrigation area, the provisions of this section shall not apply to the transfer of any parcel of land part of that comprised in a grant if such transfer is in accordance with a registered plan of subdivision consented to by the Minister, and any such parcel may thereafter be dealt with without any consent of the Minister. Sec. 10.

(3) A consent under subsection two of this section shall be in the form prescribed by regulations made under this Act and may be registered in manner prescribed by regulations made under the Conveyancing Act, 1919.

(d) (i) by inserting at the end of subsection (3B) of section nineteen the words— Sec. 19 (3B).

A reference by the Minister may be made as provided by section twenty of the Crown Lands Consolidation Act, 1913, in any case where the Minister is of opinion that a rehearing or further consideration is warranted, but no reference shall be made as provided by that section in any case where the price or capital value only is in issue.

(ii) by inserting in subsection (3C) of the same section after the words "amount paid" the words "or to be paid"; Sec. 19 (3C).

(iii) by inserting in the same subsection after the words "the consent of the Minister as provided by" the words "sections twelve and fourteen of the Closer Settlement (Amendment) Act, 1918, or by."

4. A discharged soldier who has applied for and obtained a determination of the capital value of land under the provisions of section one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913, as inserted by the Crown Lands (Amendment) Act, 1927, or section two of the Closer Settlement and Returned Soldiers' Settlement (Amendment) Act, 1927, or section nineteen Restriction on right to apply for reappraisement.

nineteen of the Returned Soldiers' Settlement Act, 1916, as amended by the Returned Soldiers' Settlement (Amendment) Act, 1925, shall not be entitled to apply for a determination of the capital value thereof under the provisions of section nineteen of the Returned Soldiers' Settlement Act, 1916, as amended by this Act.

Validation.

5. The action of the Minister in requiring a formal application to be lodged with the Crown land agent for a farm or block deemed to have been confirmed by virtue of a certificate of preferential right in accordance with section 3A of the Principal Act and in regarding the date of such application as the date from which the title to such farm or block commenced is hereby validated.

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

W. P. CULLEN,
Lieutenant-Governor.

Government House,
Sydney, 29th December, 1928.

1928.

Legislative Council

Returned Soldiers' Settlement (Amendment) Bill, 1928.

EXPLANATORY MEMORANDUM.

THE principal object of this Bill is to grant an extension until one year after the passage of the Bill of the time to apply for reappraisement of the capital value or price of a soldier's holding. See clause 2.

Clause 3, paragraphs (a) and (d), effect some detailed revisionary amendments.

Paragraph (b) is intended to make it clear that the Minister is to be a corporation sole, and that the securities taken by a particular Minister during his term of office have devolved and shall devolve on successive Ministers.

Paragraph (c) removes the necessity of obtaining the Minister's consent to the transfer of the subdivided portions of a grant in respect of a returned soldier's special holding or of a group purchase in any case where the Minister has given a certificate approving of the subdivision.

Clause 4 limits the right to reappraisement and provides that if a reappraisement has been applied for and obtained under certain other provisions of the law, a further application under the Returned Soldiers' Settlement Act, 1916, as amended by this Act, cannot be made.

† 59303 73—

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. R. McCOURT,
For Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 20 *December,* 1928, A.M.

New South Wales.

ANNO UNDEVICESIMO

GEORGII V REGIS.

* *

Act No. , 1928.

An Act to make further provision as to the settlement of returned soldiers; to validate certain actions of the Minister for Lands; to amend the Returned Soldiers' Settlement Act, 1916, and certain other Acts; and for purposes connected therewith.

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, 1928," and shall be read and construed with the Returned Soldiers' Settlement Act, 1916, as amended by subsequent Acts. Short title.

That Act as so amended is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting from subsection (1B) of section nineteen the figures "1925" and by inserting in lieu thereof the figures "1928." Amendment of Act No. 21, 1916. Sec. 19. (Appraisements.)

3. The Principal Act is further amended— Further amendment of Act No. 21, 1916.

(a) by omitting section five and by inserting in lieu thereof the following new section:— Sec. 5. (Appeal.)

5. Any party to any proceeding before a local land board, or chairman, or board constituted under section nineteen of this Act shall have the same right of appeal and the Minister shall have the same right of reference to the Land and Valuation Court as is provided for under the Crown Lands Consolidation Act, 1913, and such court shall have power to hear and determine all such appeals and references.

(b) by inserting in section seven next after subsection three the following new subsection:— Sec. 7. (Assistance.)

(3A) The Minister for the purposes of this section shall be a corporation sole under the name of the Minister for Lands, and by that name shall have perpetual succession and an official seal, and may sue and be sued, and may take and hold property, real and personal, of any nature whatsoever.

Where any property or interest therein is vested in the Minister for Lands as such corporation sole or in pursuance of this Act, or has prior to the commencement of the Returned Soldiers' Settlement (Amendment) Act, 1928, been or become vested in any Minister holding such office under or in accordance with the provisions of this Act, the same shall, unless and until disposed of by the Minister for the time being in execution of his duties under this Act, pass and devolve to and be deemed always to have passed and devolved to or become vested in his successors in office.

(c)

(c) by inserting at the end of section ten the following new subsections:—

(2) Except where the land is within an irrigation area, the provisions of this section shall not apply to the transfer of any parcel of land part of that comprised in a grant if such transfer is in accordance with a registered plan of subdivision consented to by the Minister, and any such parcel may thereafter be dealt with without any consent of the Minister. Sec. 10.

(3) A consent under subsection two of this section shall be in the form prescribed by regulations made under this Act and may be registered in manner prescribed by regulations made under the Conveyancing Act, 1919.

(d) (i) by inserting at the end of subsection (3B) of section nineteen the words— Sec. 1 (3B).

A reference by the Minister may be made as provided by section twenty of the Crown Lands Consolidation Act, 1913, in any case where the Minister is of opinion that a rehearing or further consideration is warranted, but no reference shall be made as provided by that section in any case where the price or capital value only is in issue.

(ii) by inserting in subsection (3C) of the same section after the words "amount paid" the words "or to be paid"; Sec. 19 (3C).

(iii) by inserting in the same subsection after the words "the consent of the Minister as provided by" the words "sections twelve and fourteen of the Closer Settlement (Amendment) Act, 1918, or by."

4. A discharged soldier who has applied for and obtained a determination of the capital value of land under the provisions of section one hundred and sixty-seven of the Crown Lands Consolidation Act, 1913, as inserted by the Crown Lands (Amendment) Act, 1927, or section two of the Closer Settlement and Returned Soldiers' Settlement (Amendment) Act, 1927, or section nineteen Restriction on right to apply for reappraisement.

nineteen of the Returned Soldiers' Settlement Act, 1916, as amended by the Returned Soldiers' Settlement (Amendment) Act, 1925, shall not be entitled to apply for a determination of the capital value thereof under the provisions of section nineteen of the Returned Soldiers' Settlement Act, 1916, as amended by this Act.

5. The action of the Minister in requiring a formal application to be lodged with the Crown land agent for a farm or block deemed to have been confirmed by virtue of a certificate of preferential right in accordance with section 3A of the Principal Act and in regarding the date of such application as the date from which the title to such farm or block commenced is hereby validated. Validation.

Sydney: Alfred James Kent, Government Printer—1928.

[4d.]