WAR SERVICE LAND SETTLEMENT AND CLOSER SETTLEMENT (AMENDMENT) BILL, 1945.

Schedule of Amendments referred to in Legislative Council's Message of 19th December, 1945.

No. 1.—Page 11, clause 2, line 24. *After* "holder" *insert* **"or to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under this Act."**

No. 2.—Page 18, clause 3, line 33. *After* "forty-two" insert **"excepting the value of any improvements effected on such land since that date."**

No. 3.—Page 19, clause 3, line 13. *After* "forty-two" *insert* **"excepting the value of any improvements effected on such land since that date."**

No. 4.—Page 19, clause 3, line 30. *After* "forty-two" *insert* **"excepting the value of any improvements effected on such land since that date."**

No. 5.—Page 20, clause 3. *After* line 14 *insert*—

(1A) Any restriction upon transfer imposed by subsection one of this section shall cease in respect of any land at the expiration of six years from the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or at the expiration of six years from the date of notification of any such proclamation in respect of such land, whichever is the later.

No. 6.—Page 26, clause 5, line 2. *After* "forty-two" *insert* **"excepting the value of any improvements effected on such land since that date."**

No. 7.—Page 29, clause 5, line 1. *After* "forty-two" *insert* **"excepting the value of any improvements effected on such land since that date."**

No. 8.—Page 35, clause 5. *Before* line 5 *insert*—

(3) Any person who accepts any valuable consideration in contravention of subsection (1) or (2) of this section shall be liable to the penalty provided for in section 9L of this Act.

No. 9.—Page 35, clause 5, line 17. *After* "holder" *insert* **"or to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under the War Service Land Settlement Act, 1941, as amended by subsequent Acts".**

No. 10.—Page 38, clause 8, line 5. *After* "forty-two" *insert* **"excepting the value of any improvements effected on such land since that date."**

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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,
Clerk of the Legislative Assembly.

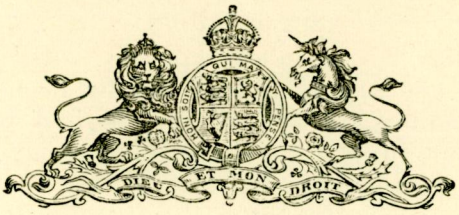
Legislative Assembly Chamber,
Sydney, 14 *December,* 1945.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

W. K. CHARLTON,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 19*th December,* 1945.

New South Wales.



ANNO DECIMO

GEORGII VI REGIS.

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Act No. , 1945.

An Act to make further provision for and in relation to the settlement on the land of members or discharged members of His Majesty's naval, military, or air forces and other eligible persons; to make further provision for the disposal of land by way of lease in perpetuity; to make provision for the assessment or determination of the value of land to be acquired for the purposes of settlement; for these and other purposes to amend the War Service Land Settlement Act, 1941, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith.

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NOTE.—The words to be *inserted* are printed in **black letter.**

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 "War Service Land Settlement and Closer Settlement (Amendment) Act, 1945." Short title.

2. (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended— Amendment of Act No. 43, 1941.

(a) (i) by omitting from subsection one of section two the definition of "Discharged member of the forces" and by inserting in lieu thereof the following definition:— Sec. 2. (Definitions.)

"Discharged member of the forces" means a person who, having been a member of the forces has had his appointment terminated or received his discharge—

(a) after not less than six months' war service, or

(b) after less than six months' war service and has in the opinion of the classification committee been materially prejudiced by reason of his war service;

but does not include any person the termination of whose appointment or whose discharge was due to misconduct or incapacity resulting from his own default;

(ii) by omitting from the same subsection the definition of "Member of the forces" and by inserting in lieu thereof the following definitions:—

"Member of the forces" means— Act No. 11, 1945 (Commonwealth) s. 4 (1)

(a) a person who is or was, during the war, a member of the Permanent Forces, other than the Australian Imperial Force;

(b)

(b) a person who is or was, during the war, a member of the Australian Imperial Force;

(c) a member of the Citizen Forces who is or was enlisted, appointed or called up for continuous service for the duration of, and directly in connection with, the war;

(d) a person who is or was, during the war, engaged on continuous full-time service as a member of any of the following services:—

The Royal Australian Naval Nursing Service;

The Women's Royal Australian Naval Service;

The Australian Army Nursing Service;

The Australian Women's Army Service;

The Australian Army Medical Women's Service;

The Royal Australian Air Force Nursing Service;

The Women's Auxiliary Australian Air Force;

(e) a member of a Voluntary Aid Detachment who is or was, during the war, engaged on continuous full-time paid duty with any part of the Defence Force;

(f) a member of the Naval, Military or Air Forces of any part of the King's dominions other than Australia, who is or was, during the war, engaged

engaged on service in a prescribed area and was born in Australia or was, immediately prior to his becoming a member of any of those Forces, domiciled in Australia; and

(g) a person who is or was, during the war, engaged on continuous full-time service with any Nursing Service or other Women's Service auxiliary to the Naval, Military or Air Force of any part of the King's dominions other than Australia who was born in Australia or was, immediately prior to her becoming a member of that Service, domiciled in Australia,

but does not include any enemy alien who served during the war as a member of the Army Labour Corps but not otherwise.

"Other eligible person" means any person included in a class of persons which the Commonwealth with the concurrence of the State determines shall be deemed eligible to participate in land settlement under the scheme contained in the Agreement between the Commonwealth and the State approved and ratified by the War Service Land Settlement Agreement Act, 1945.

(iii) by inserting at the end of the same subsection the following new definitions:—

"The war" means the war which commenced on the third day of September, one thousand nine hundred and thirty-nine, and includes any

Act No. 11, 1945 (Commonwealth) s. 4 (1).

any other war in which His Majesty became engaged after that date and before the date of commencement of this Act.

5 "War service" means—

Act No. 11, 1945 (Commonwealth) s. 4 (1).

(a) service as a member of the Permanent Forces, other than the Australian Imperial Force;

10 (b) service in the Australian Imperial Force;

(c) the service of a member of the Citizen Forces when called out for war service in pursuance of the Defence Act 1903-1945 of the Commonwealth, or during continuous training under that Act, the Naval Defence Act, 1910-1934, or the Air Force Act 1923-1941 of the Commonwealth;

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(d) the continuous full-time service in the Defence Force under any Act of the Commonwealth or under any regulations under any such Act, of any person who volunteers and is accepted for that service during war;

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(e) in the case of a person specified in paragraph (d), (e), (f) or (g) of the definition of "member of the forces," service in any of the bodies specified in those paragraphs:

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35 Provided that where a person has been engaged on war service during two or more periods, he shall be deemed to have been engaged on war service during a period equal in duration

duration to the aggregate of the periods during which he was so engaged;

(b) (i) by inserting in subsection one of section three after the symbol and words "(c) discharged soldiers" the following symbol and words:—

(d) other eligible persons.

(ii) by inserting next after the same subsection the following new subsections:—

(1A) Notwithstanding anything in any Act or in any regulations made thereunder a notification setting land apart under this section may specify a period during which all applications for any such land shall, where conflicting, be deemed to have been made simultaneously. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(1B) Where in any such proceedings precedent to allowance, confirmation or granting of any application for land set apart under this section an applicant is subjected to examination by or on behalf of any other party to such proceedings, and the nature of such examination is in the opinion of the local land board frivolous or unwarranted, it shall be lawful for such board to impose on such other party a fine not exceeding fifty pounds; and in default of immediate payment thereof to commit him to gaol for any time not exceeding three months unless the fine be sooner paid.

(iii) by inserting at the end of subsection two of the same section the words "In this subsection 'original holdings' mean holdings which in the opinion of the Minister constitute home maintenance areas";

See. 3. (Areas may be set apart for selection by certain classes of persons.)

cf. Act No. 7, 1913, s. 14 (4).

(iv)

(iv) by omitting from subsection three of the same section the words "or discharged soldier" and by inserting in lieu thereof the words "discharged soldier or other eligible person";

(v) by inserting at the end of the same subsection the following paragraph:—

Any such application shall be made—

(a) in the case of a member of the forces or a discharged member of the forces, within five years after the fifteenth day of August, one thousand nine hundred and forty-five, or the date on which the applicant ceased to be engaged on war service, whichever is the later;

(b) in the case of a discharged soldier or other eligible person, within five years after the fifteenth day of August, one thousand nine hundred and forty-five.

(vi) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) An application for any land set apart under this section shall be made in the form and manner prescribed. The applicant shall satisfy the local land board or the Commission, as the case may be, that he has been issued with a qualification certificate to the effect that he possesses the necessary experience and fitness to engage in the type of farming or pastoral pursuits for which the land applied for is, in the opinion of the local land board, or the Commission, best adapted, and the local land board or the Commission shall not confirm, allow, grant or recommend any application unless so satisfied.

Possession

Possession of any such certificate shall be admissible in all proceedings under this subsection as evidence that the applicant is qualified by experience to engage in the type of farming or pastoral pursuits specified in such certificate; but the local land board or the Commission shall be entitled to take into consideration whether specialised experience in such pursuits is essential in any particular case.

(vii) by omitting from subsection five of the same section the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(viii) by inserting at the end of the same section the following new subsections:—

(6) The Under Secretary for Lands or any person authorised by him may issue a certificate in or to the effect of the prescribed form showing the date on which any application for a qualification certificate was received by the Under Secretary or by any person authorised by him to receive such applications, and any such certificate shall be admissible in all proceedings under this section as evidence of the matters contained therein.

(7) Any two members of the classification committee may issue a certificate in or to the effect of the prescribed form certifying that a qualification certificate has been issued to the person named and in respect of the type of farming or pastoral pursuits stated in such first-mentioned certificate, and any such certificate shall be admissible in all proceedings under this section as evidence of the matters contained therein.

(8) The local land board or the Commission, as the case may be, shall not refuse an application

application for land set apart under this section on the ground that the applicant does not possess sufficient financial resources successfully to occupy the land applied for.

Sec. 4. (Classification Committee.)

(c) (i) by omitting from subsection two of section four the words "or discharged soldier and that he possesses the necessary experience and fitness to engage in farming or pastoral pursuits, it shall issue to him a qualification certificate; if not so satisfied, the committee may refuse to issue a qualification certificate" and by inserting in lieu thereof the words "discharged soldier or other eligible person and that he possesses the necessary experience and fitness to engage in farming or pastoral pursuits of any particular type or types, it shall issue to him a qualification certificate specifying the type or types of farming or pastoral pursuits in which he possesses the necessary experience and fitness or if satisfied that he would become possessed of the necessary experience and fitness to engage in any particular type or types of farming or pastoral pursuits after he has obtained adequate training or further experience it shall issue to him a certificate to that effect. If not satisfied as aforesaid the committee may refuse to issue a qualification certificate or other certificate under this subsection";

(ii) by omitting from the same subsection the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

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

(3) (a) The classification committee may, at its discretion, recall, amend, and re-issue any qualification certificate, and the Minister

Minister may, by notification in the Gazette and upon the recommendation of the classification committee, cancel any qualification certificate which has been issued.

(b) A qualification certificate issued to a member of the forces shall cease to be of any effect after the person to whom it was issued has had his appointment terminated or received his discharge, but such person shall thereupon if a discharged member of the forces be entitled to apply for a fresh qualification certificate:

Provided that where a member of the forces has made application for a qualification certificate and a qualification certificate is issued to him in respect of a subsequent application made by him as a discharged member of the forces, he shall be deemed to have applied for the qualification certificate so issued on the date upon which such first-mentioned application was made.

This subsection shall apply to qualification certificates issued and to applications for qualification certificates made before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, as well as to qualification certificates issued and applications for qualification certificates made after such commencement.

Sec. 5. (Applications by parent, or relative or other person.)

(d) (i) by omitting from subsection one of section five the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(ii) by inserting in subsection two of the same section next after the word "Commission" the words "or the classification committee";

(iii) by omitting from the same subsection the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(e)

(e) (i) by omitting from subsection one of section six the words and figures "as defined in the Defence Act 1903, as amended by subsequent Acts, of the Parliament of the Commonwealth"; Sec. 6. (Residence condition deemed to have been complied with.)

(ii) by omitting from the same subsection the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(f) by inserting next after section eight the following new sections:— New secs. 8A-8E.

Restrictions on right of transfer.

8A. (1) Notwithstanding anything in any Act, any holding comprising land set apart and disposed of in accordance with section three of this Act after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, shall not be transferable until ten years after the commencement of title to such holding except to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under this Act, or, in the event of the death of the holder, to the widow, widower, child or children of such holder **or to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under this Act.** The provisions of this subsection shall not apply to a transfer by way of mortgage or discharge of mortgage.

(2) The restrictions upon transfer imposed by subsection one of this section are in addition to and not in substitution for any other restrictions upon transfer provided by any other Act.

Development of lands for war service land settlement.

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas prior to their being set apart to be disposed of in accordance with section three of this

this Act, and he may expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943.

The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds in respect of any one such farm or block; and the erection may be deferred until after disposal of the land:

Provided that where the dwelling is erected after disposal of the land the holder shall become liable to the Crown for all payments in respect thereof, and in like manner, as he would have been required by law to make if such dwelling had been erected prior to disposal; but the first of such payments shall not become due until a date to be determined by the Minister, such date being not later than the date on which the first payment would have become due if the holder's title to the holding had commenced on the day next succeeding the day on which erection of the dwelling was completed.

"Minister" in this section in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1944.

Advances and other assistance to settlers under this Act.

8C. (1) The Minister may from time to time make such advances to a discharged member of the forces or other eligible person as he may deem necessary for the satisfactory occupation and development of any land disposed of in accordance with section three of this Act to such discharged member of the forces or other eligible person. Such advances shall be for the purposes of—

(a) providing working capital,

(b) paying for or effecting improvements upon such land, or

(c) purchasing livestock, plant or equipment.

(2)

(2) The Minister may make like advances to a discharged member of the forces or other eligible person with respect to any land owned or leased by such person, not being land disposed of in accordance with section three of this Act.

(3) The Minister may purchase and dispose of such plant, equipment and implements as he may deem necessary for the purposes of this Act, and any advances made to a discharged member of the forces or other eligible person under the provisions of subsection one or subsection two of this section may be applied by such discharged member of the forces or other eligible person in acquiring any such plant, equipment or implements from the Minister.

(4) All moneys advanced by the Minister under the authority of this section shall bear interest at such rate as may from time to time be determined by him, and shall be made upon such securities, and subject to such covenants, conditions and provisions as he may determine. Payment of moneys advanced and interest thereon shall be made in the manner, by such instalments and at the times, and to such nominee of the Minister as may be prescribed.

(5) If default is made in the payment of any money advanced 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 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, 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

was made and shall be recoverable and any security for such moneys shall be enforceable by the Minister in any court of competent jurisdiction.

5 By notification in the Gazette the Minister 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 10 discharge of any such security given under this Act or for any affidavit sworn in verification thereof.

Upon forfeiture, the title to the land shall vest in His Majesty the King, and the land shall 15 not be open to any application until again notified for the purpose.

(6) Where the Minister is of opinion that any money advanced under this Act has not been applied for the purpose for which it was 20 advanced, or has been expended in a careless or extravagant manner, or that any plant, equipment or implement supplied in pursuance of this Act, is being neglected, he may refuse to pay any further instalments of the advance or 25 to make any further advances, and, if he so declares by a notification in the Gazette, all moneys already advanced, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

30 (7) The following provisions shall apply in respect of all advances made under this section in respect of which the Commonwealth has agreed to accept responsibility as expressed in the Agreement approved and ratified by the War 35 Service Land Settlement Agreement Act, 1945:—

(a) The general terms and conditions under which the advances are made shall be subject to the concurrence of the Minis- 40 ter of State of the Commonwealth for the

the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth.

(b) The Minister shall cause the records of such advances to be kept separately from the records of all other advances.

(c) During an assistance period as defined in section 8D of this Act no repayment of principal moneys shall be required, and payment of interest for that period shall be waived.

This paragraph shall not apply to an advance for the purpose of providing working capital.

(8) "Minister" in this section in the case of lands within an irrigation area, or advances to a holder of land within an irrigation area, shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1944.

(9) The Minister for the purposes of this section shall be a corporation sole under the name of the Minister for Lands or the Minister for Conservation according as the land in respect of which advances under this section are made is not or is within an irrigation area, and by such 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.

Assistance period.

8D. (1) During an assistance period the net proceeds of the holding shall be paid by the settler to a nominee of the Minister, to be credited against future obligations of the settler in respect of—

(a) advances for purchase of livestock, plant or equipment;

(b) advances for paying for or effecting improvements;

(c)

(c) rent or interest in respect of his land holding, or interest or principal in respect of structural improvements,

in such proportion as the Minister may determine:

Provided that at least one-half of such net proceeds shall be credited against advances for purchase of livestock, plant or equipment:

Provided also that the Minister may, in any particular case, waive the requirements of this subsection, either wholly or in part, if in his opinion the circumstances of the case are such that it is desirable to do so.

(2) In the event of a settler being unable at any time to make all payments then due by him under this Act or in respect of the holding, such payments as he may make shall be applied toward payment of his indebtedness in respect of—

(a) advances for the purpose of providing working capital,

(b) advances for purchase of livestock,

(c) advances for purchase of plant or equipment,

(d) advances for paying for or effecting improvements,

(e) rent or interest in respect of his land holding, or interest or principal in respect of structural improvements,

in that order.

(3) Notwithstanding anything in any Act, the holder of any land disposed of in accordance with section three of this Act shall not be liable to pay any instalment of land purchase money during an assistance period, and any rent or interest becoming due and payable in respect of his occupation of such land during an assistance period shall be waived.

(4)

(4) (a) In this section "assistance period" means—

(i) in the case of a discharged member of the forces or other eligible person a period of one year following the date of commencement of his title to the land,

(ii) in the case of a member of the forces a period of one year following the date upon which he is issued with a qualification certificate as a discharged member of the forces:

Provided that with the concurrence of the Minister of State for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Parliament of the Commonwealth an assistance period may be extended by the Minister beyond the said period of one year.

(b) In this section "Minister" in the case of lands within an irrigation area, or advances to a holder of land within an irrigation area, shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1944.

Financial provisions. Act No. 21, 1916, s. 9.

8E. (1) All moneys required for advances or expenditure under this Act shall be paid out of moneys provided by Parliament for such purposes.

(2) All moneys received as interest in respect of sale of improvements which have been carried out pursuant to section 8B of this Act, or in respect of advances made under section 8C of this Act shall be paid to the Consolidated Revenue Fund.

(2) Paragraph (a), subparagraph (iii) of paragraph (b) and subparagraph (ii) of paragraph (e) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

3. The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended— Amendment of Act No. 12, 1907.

Sec. 3. (Report by board.)

(a) by inserting at the end of section three the following new subsection:—

(3) Where an advisory board is required by this section to report upon the estimated value of any land such board shall have regard to the productive capacity of such land under fair average seasons, prices and conditions. Sales of land similar in quality, locality and other respects to the land in respect of which such estimated value is to be made shall not be taken into account unless such board is satisfied that the value reflected by any such sale is fair and reasonable having regard to the productive capacity of the land under fair average seasons, prices and conditions. Act No. 7, 1913, s. 166.

Sec. 4. (Power to purchase or resume land.)

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

(4) (a) The price to be paid in respect of any such purchase shall not exceed the price at which an advisory board has recommended the acquisition of the land: cf. Act No. 12, 1907, s. 5 (7).

Provided that where any such purchase is made for the purpose of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the price at which an advisory board recommends the acquisition of the land shall not exceed the price which it would have recommended in respect of an identical purchase as at the tenth day of February, one thousand nine hundred and forty-two **excepting the value of any improvements effected on such land since that date.**

(b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into in terms of section eleven of this Act, be the value of the land as assessed by an advisory board, or where an appeal

appeal has been made in terms of section nine of this Act, as determined by the Land and Valuation Court:

Provided that where any such resumption is made for the purposes of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the value of the land as so assessed or determined shall not exceed the value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two **excepting the value of any improvements effected on such land since that date.**

(c) by inserting in paragraph (f) of subsection seven of section five after the words "think just" where secondly occurring the words "Provided further that where any such purchase or resumption is made for the purposes of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the price assessed or the value assessed or determined under this paragraph shall not exceed the price or value which would have been assessed or determined under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two **excepting the value of any improvements effected on such land since that date.**

Sec. 5. (Lands within fifteen miles of proposed railway and lands to which added value accrues by reason of public works.)

(d) by omitting subsection one of section six and by inserting in lieu thereof the following subsection:—

Sec. 6. (Restriction of disposition.)

(1) Where the Governor by proclamation under section four or section five of this Act notifies that he proposes to consider the advisableness of acquiring any land for the purposes of closer settlement, such land shall not, while such

such proclamation remains in force, be transferred or otherwise dealt with unless the consent of the Minister to such transfer or other dealing has been first obtained.

5 Application for such consent shall be made in the prescribed form and shall be accompanied by the prescribed fee.

The provisions of this subsection shall apply to land in respect of which any such proclamation 10 was made before the date of commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, as well as to land in respect of which any such proclamation may be made after that date.

15 **(1A) Any restriction upon transfer imposed by subsection one of this section shall cease in respect of any land at the expiration of six years from the commencement of the War Service Land Settlement and Closer Settlement (Amend-20 ment) Act, 1945, or at the expiration of six years from the date of notification of any such proclamation in respect of such land, whichever is the later.**

(e) by omitting from section twelve the words "four 25 weeks" and by inserting in lieu thereof the words "three months"; Sec. 12. (Right of owner to require contiguous land to be resumed.)

(f) (i) by omitting from subsection one of section thirteen the words "Where more than one person is the owner of such land, only one 30 such right may be exercised" and by inserting in lieu thereof the words "Where such land is held by more than one owner, only one such right may be exercised, and any other lands held by each of such owners 35 shall be taken into account, in all respects as if the land proposed to be resumed and all such other lands were held by the one owner"; Sec. 13. (Retainer by owner of part of land resumed.)

(ii)

(ii) by omitting from the same subsection the words "four weeks" and by inserting in lieu thereof the words "three months";

(iii) by inserting at the end of the same subsection the following words:—

"For the purposes of this subsection the following provisions shall apply:—

(a) Lands held by the spouse of the owner of any land proposed to be resumed under this Act shall be taken into account as if such lands were lands held by such owner.

(b) Lands owned by a company and used for pastoral, agricultural or the like purposes shall be deemed to be owned by the share-holders of the company as joint owners in the proportions of their interests in the paid-up capital of the company.

(c) Where separate parcels of land proposed to be resumed under this Act are held by different owners, and an advisory board reports that such parcels are occupied, controlled or used substantially in the interests of one of such owners, all such owners shall be deemed to be joint owners of all such parcels, and they shall be entitled to exercise only one right of retainer in respect of the whole of the land comprised in such parcels."

(iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) This section shall apply in any case in which the land proposed to be resumed is land referred to in a proclamation (not being a proclamation under section five of this

this Act) published in the Gazette before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, as well as to land referred to in a proclamation (not being as aforesaid) published after such commencement, but shall not apply in any case in which the land proposed to be resumed is land referred to in a proclamation published under section five of this Act, or additional land which the Governor is authorised by that section to resume.

4. The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended— Amendment of Act No. 88, 1943.

(a) (i) by omitting from the matter relating to Part IV in subsection four of section one the words "Setting apart of Forfeited Holdings as Leases in Perpetuity" and by inserting in lieu thereof the words "Setting apart of Land for Closer Settlement Lease"; Sec. 1. (Short title, commencement and division into Parts.)

(ii) by inserting in the same subsection next after the matter relating to Part IV the new matter:—

PART IVA.—PROMOTION OF SETTLEMENT OF SERVICEMEN—*ss.* 9A–9U.

(b) by omitting the short heading to Part IV and by inserting in lieu thereof the following new short heading:— Short heading to Part IV.

SETTING APART OF LAND FOR CLOSER SETTLEMENT LEASE.

(c) (i) by inserting in subsection two of section six after the words "shall be" the words "any Crown lands or lands acquired under the Closer Settlement Acts or otherwise and includes"; Sec. 6. (Application of Part IV.)

(ii) by omitting from the same subsection the words "together with any adjacent Crown lands";

(d)

(d) (i) by omitting from paragraph (a) of subsection two of section seven the words "and annual rents" and by inserting in lieu thereof the words and symbols "(exclusive of the capital values of any structural improvements thereon) and annual rents and of the nature and value of any structural improvements which are to be paid for by an incoming tenant"; Sec. 7. (Setting apart.)

(ii) by omitting from the proviso to paragraph (a) of the same subsection the words "local land board" and by inserting in lieu thereof the words "Minister upon the recommendation of an advisory board";

(iii) by omitting from paragraph (c) of the same subsection the words "setting apart of land as a closer settlement lease area" and by inserting in lieu thereof the words "notification under this subsection or subsection one of this section";

(e) by omitting from paragraph (a) of subsection two of section nine the words "date of application for" and by inserting in lieu thereof the words "commencement of title to"; Sec. 9. (Closer Settlement Leases.)

(f) by inserting next after section ten the following new section:— New sec. 10A.

10A. Where by the terms of a notification under subsection two of section seven of this Act an incoming tenant is required to pay the capital value of any structural improvements, the following provisions shall apply:— Payment for improvements.

(a) the amount owing from time to time shall bear interest at the rate of two and one-half per centum per annum;

(b) payment in respect of interest shall be due on the last day of November next succeeding the date of commencement of title of the closer settlement lease and successively thereafter on the last day of November in each year;

(c)

(c) payment of the capital value of such improvements together with interest on the amount owing from time to time shall be made—

(i) where such capital value does not exceed eight hundred pounds —by not more than twenty-five equal yearly instalments,

(ii) where such capital value exceeds eight hundred pounds—by not more than thirty-five equal yearly instalments.

The first of such instalments shall be payable on the last day of November in the sixth year following the year in which the first interest payment falls due. Two or more instalments may be paid at the same time;

(d) if any payment due in respect of interest or instalment is made within a period of two months from the due date it shall be deemed to have been made on the due date.

(g) by omitting from subsection two of section eleven the words "settlement purchase lease or a group purchase lease or a closer settlement lease" and by inserting in lieu thereof the words "closer settlement lease the title to which commenced before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or a settlement purchase lease or a group purchase lease or application for permission to transfer (except by way of release of mortgage) or otherwise deal with a closer settlement lease the title to which commenced after the commencement of such Act"; Sec. 11. (Restrictions on transfer.)

(h) (i) by inserting in subsection one of section fourteen after the word "rent" where firstly occurring the words "or in the case of a closer Sec. 14. (Forfeiture.

closer settlement lease any interest or instalment of principal moneys due in respect of purchase of improvements";

(ii) by inserting at the end of the same sub-section the words "or interest or principal moneys".

5. The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by inserting next after section nine the following new Part— Further amendment of Act No. 38, 1943.

PART IVA.

New Part IVA.

Promotion of Settlement of Servicemen.

Applications to Minister to acquire private lands. Act No. 48, 1918. Sec. 9.

9A. (1) Any three or more members of the forces, discharged members of the forces or other eligible persons within the meaning of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, each of whom holds a qualification certificate issued under that Act, as so amended, and is qualified to apply for a settlement purchase under the Closer Settlement Acts who desire to acquire from the one owner any private lands may, with the consent of such owner, apply to the Minister to acquire the said lands under and subject to the provisions of this Part at the price set out in the application.

(2) An application shall be made in the manner and in or to the effect of the form prescribed by regulations made under the Closer Settlement Acts.

(3) Where, in any such application the number of the original applicants is for any cause reduced, the application may with the consent of the Minister be proceeded with in any case where the number of the remaining applicants is not less than three.

(4) Any other duly qualified person may, with the consent of the Minister, be substituted for any original applicant.

Valuation.

9B. The Minister may cause a valuation of such lands to be made by an advisory board: Provided that any such valuation shall not exceed the amount at which an advisory board would have valued identical

identical land as at the tenth day of February, one thousand nine hundred and forty-two **excepting the value of any improvements effected on such land since that date.**

5 9C. If the amount at which the land has been so valued is less than the price specified in the application the Minister shall refuse the application, unless the owner agrees to reduce the price to the amount of the valuation.

Where valuation is less than price. Act No. 48, 1918, s. 12.

10 9D. Where application is made under section 9A of this Act the Minister, on being satisfied—

Purchase of land. *Ibid.* s. 13.

(a) that the lands the subject of such application are suitable for settlement;

(b) that such lands constitute but do not substantially exceed a home maintenance 15 area for each applicant;

(c) that each applicant is qualified to apply for a settlement purchase and is otherwise eligible; and

20 (d) that the price is not in excess of the valuation made by an advisory board in accordance with section 9B of this Act;

may approve of the purchase.

9E. Any purchase of land by the Minister 25 pursuant to section 9D of this Act shall be paid for—

Payment for land. *Ibid.* s. 13.

(a) in cash; or

(b) with the consent of the owner, vendor or mortgagee by closer settlement debentures.

9F. (1) Upon the surrender of the land to the 30 Crown, the following provisions shall apply:—

Vesting of land in applicant.

(a) The Minister shall cause a subdivision thereof to be made into farms to be held as closer settlement leases.

(b) The Minister may by his authorised agents 35 and workmen improve the land by clearing, fencing, draining, grading, provision of water supply and by effecting general improvements.

(c)

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, capital values (exclusive of the capital values of any structural improvements thereon) and annual rents and of the nature and value of any structural improvements which are to be paid for by the incoming tenant. He shall also in such notification set out what special conditions and restrictions shall attach to such farms: Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board.

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease under paragraph (d) of this subsection.

(d) Upon publication in the Gazette of a notification under paragraph (c) of this subsection each farm shall vest in and be held as a closer settlement lease by the person whose name has been notified in such notification and title to the closer settlement lease shall commence on the day of such publication.

(2) The provisions of this Act, the Closer Settlement Acts and the regulations thereunder relating to closer settlement leases under Part IV of this Act shall apply, mutatis mutandis, to closer settlement leases under this Part of this Act. For the purposes of such application the words "section seven of this Act" in subsection two of section nine of this Act shall be read as "subsection one of section 9F of this Act."

9G. (1) If any person gives or offers or any owner receives or solicits valuable consideration in respect of any purchase under section 9D of this Act over and above the approved purchase price either directly or indirectly and either before or after the Minister approves of the purchase he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months with or without hard labour, or to penalty and imprisonment as aforesaid. **Penalties.**

(2) Where the holder of a closer settlement lease has been convicted of an offence against subsection one of this section in respect of the land so held such conviction shall render the holding liable to forfeiture and the provisions of section fourteen of this Act shall apply in any such case.

9H. (1) Any member of the forces, discharged member of the forces, or other eligible person within the meaning of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, who is the holder of a qualification certificate issued under that Act, as so amended, and who is qualified to apply for a settlement purchase under the Closer Settlement Acts, may apply to the Minister for an advance for the purpose of enabling such person to purchase any tenure under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Western Lands Act of 1901, the Returned Soldiers Settlement Act, 1916, or the Prickly-pear Act, 1924-1944, or any of those Acts as amended by subsequent Acts, or any freehold land. **Applications for advances for purchase of private lands.** **Act No. 46, 1919, s. 2.**

(2) An application shall be made in the manner and in or to the effect of the form prescribed by regulations made under the Closer Settlement Acts.

9I. The Minister may cause a valuation of such lands to be made by an advisory board: Provided that any such valuation shall not exceed the amount at which an advisory board would have valued identical land as at the tenth day of February, one thousand **Valuation.**

thousand nine hunderd and forty-two **excepting the value of any improvements effected on such land since that date.**

9J. If the amount at which the land has been so valued is less than the price specified in the application the Minister shall refuse the application, unless the owner agrees to reduce the price to the amount of the valuation.

Where valuation is less than price. Act No. 46, 1919, s. 6.

9K. (1) Where application is made under section 9H of this Act the Minister, on being satisfied—

Approval of advance.

(a) that the lands the subject of such application are suitable for settlement;

(b) that such lands constitute but do not substantially exceed a home maintenance area;

(c) that the applicant is qualified to apply for a settlement purchase and is otherwise eligible;

(d) that the price is not in excess of the valuation made by an advisory board in accordance with section 9I of this Act;

(e) that the land the subject of such application forms part of a property which is capable of subdivision into not less than two home maintenance areas; and

(f) that the applicant has paid or is able to pay to the vendor the amount of the difference between the advance proposed to be made by the Minister and the amount payable to the vendor for the land;

may approve of an advance.

(2) The amount of any advance under this section shall not exceed the lesser of the following amounts:—

Amount of advance.

(a) the amount of five thousands pounds;

(b) an amount equivalent to eighty per centum of the value of the land as determined by an advisory board in accordance with section 9I of this Act, which value shall be calculated on a freehold basis, irrespective of whether

whether the tenure of the land is freehold or not:

Provided that where the land is other than freehold the amount of any advance which, but for this proviso, would be authorised under paragraph (a) or paragraph (b) of this subsection shall be reduced by any sums due to the Crown for balance of purchase money, or, where the land is held under a lease from the Crown, by a sum equivalent to the capital value of the land as notified or determined in accordance with the Act under which the tenure is held, or where the capital value has not been notified or determined by a sum equivalent to forty times the annual rent of the lease.

Payment by applicant.

(3) No advance approved by the Minister under subsection one of this section shall be made unless and until evidence to the satisfaction of the Minister has been produced by the applicant that he has paid to the vendor the amount referred to in paragraph (f) of that subsection.

Any money—

(a) owing by the purchaser to the vendor and secured by any mortgage or charge on the land; or

(b) lent to the purchaser by the vendor; or

(c) owing by the purchaser to any other person and directly or indirectly guaranteed by the vendor,

shall for the purposes of this subsection be deemed not to have been paid to the vendor.

Penalties.

9L. If any applicant gives or offers or any owner receives or solicits valuable consideration over and above the approved purchase price either directly or indirectly and either before or after the Minister approves of an advance under section 9K of this Act, he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months with or without hard labour, or to a penalty and imprisonment as aforesaid.

Special conditions.

9M. (1) Where an advance is made under section 9K of this Act the holding in respect of which such advance is made shall (in addition to any conditions to which it may be subject under any Act) be subject to such special conditions as the Minister may determine when approving of the advance.

Without prejudice to the generality of the foregoing provisions of this subsection such special conditions may include—

(a) conditions designed to protect the land from soil erosion; and

(b) conditions designed to prevent overstocking.

(2) Irrespective of the form of tenure of the land in respect of which any such advance is made the provisions of section eleven of this Act shall apply, mutatis mutandis, to such land in all respects as if such land were comprised in a closer settlement lease, and shall so apply not only during the currency of the advance made by the Minister but also after the same has been repaid.

Transfer and vesting.

cf. Act No. 46, 1919, ss. 8, 10 & 11.

9N. (1) Where the Minister makes an advance under section 9K of this Act the purchase by the applicant of the tenure or freehold land as the case may be shall be carried out by the necessary transfers and assurances.

(2) The Minister may by notification in the Gazette declare that such tenure or freehold land is vested in the applicant and the same shall thereupon be deemed to be vested in such applicant as if the same had been transferred or assured to him.

(3) Where in pursuance of a notification in the Gazette under subsection two of this section any tenure or freehold land is vested in any person, and the owner or occupier of such tenure or freehold land or any other person refuses to give up possession of the land or hinders the person in whom such tenure or freehold land is so vested from entering upon or taking possession of the land, the Minister may

may issue a warrant to the sheriff to deliver possession of the same to the person appointed in such warrant to receive the same.

(4) Upon the receipt of such warrant the sheriff shall deliver possession of such land accordingly, and the cost accruing by reason of the issuing and execution of such warrant, to be settled by the sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Minister from the purchase money, if any, then payable to such party, or if the same is less than the amount of such costs, then such costs or the excess thereof beyond such purchase money, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly.

Repayment of advance. cf. Act No. 46, 1919, s. 12.

9o. (1) Any advance made under section 9K of this Act together with interest as hereinafter provided shall until paid off be charged wholly upon the land in respect of which the advance is made, but repayment of such advance shall be made by instalments over such period not exceeding twenty years as the Minister may determine, together with interest at the rate of three and one-half per centum per annum.

(2) Any such charge shall have priority over any other charge, mortgage or encumbrance. Such charge shall not interfere with any right which the purchaser may have to convert the tenure into any other tenure, but notwithstanding such conversion the charge shall remain in full force and effect until the Minister certifies in the prescribed manner that it has been paid.

(3) 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

registration shall operate to free the land from the charge.

(4) Where a subdivision is effected of the land or portion thereof subject to a charge under this section, or where part of the land or portion subject to any such charge is transferred the Minister may apportion the amount of such charge equitably between the respective parts resulting from such subdivision or transfer.

Forfeiture. cf. Act No. 46, 1919, s. 13.

9P. (1) Any tenure or any freehold land in respect of which an advance is made under section 9K of this Act shall be liable to forfeiture if any instalment or interest due under section 9o of this Act remains unpaid for a period of three months after the date for payment thereof, or upon breach of any condition attached to such tenure or freehold land; but the Minister may waive incurred forfeiture either unconditionally or on such conditions as he thinks fit: And when the forfeiture of the holding shall have been waived, and the conditions, if any, of such waiver shall have been performed, the holder shall, in the case of any such tenure, if otherwise entitled thereto be entitled to receive a certificate of conformity in respect of the same notwithstanding that such certificate may have previously been applied for and refused. The Minister by notification in the Gazette may declare forfeiture of the title of any such tenure or freehold land and of all moneys paid in connection therewith. On such notification the title to the land shall vest in His Majesty, and the land shall not be open to application for settlement until it shall have been set apart for the purpose. By like notification the Minister may reverse any forfeiture.

(2) This section shall extend to a case in which the grant has been issued subject to a charge under section 9o of this Act.

Act No. 38, 1939, s. 20 (2).

(3) Where a Crown grant is forfeited pursuant to this section the Registrar-General may upon the application of the Minister and upon production of the

the Gazette notification declaring such forfeiture, make every such entry, cancellation and correction in the register book as may appear to the Registrar-General to be necessary or proper.

Conversion or extension of certain non-convertible leases. cf. Act No. 46, 1919, s. 2 (3).

9Q. Where the whole or part of a conditional lease which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and has not been declared to be convertible under the provisions of section 188A of that Act, as so amended becomes the subject of an advance under section 9K of this Act the Minister, upon the recommendation of an advisory board, may declare that such conditional lease or part thereof, as the case may be, shall be convertible into an additional conditional purchase or homestead farm, or may be extended to a lease in perpetuity.

Provisions applicable to tenures subject of advances. Act No. 46, 1919, s. 9.

9R. Subject to this Part of this Act the general provisions and conditions by law relating to any tenure which becomes the subject of an advance under section 9K of this Act shall continue to apply to such tenure.

Limitation of commission. cf. *Ibid.* s. 14.

9S. (1) The Minister may by regulation prescribe and limit the rate of commission which may be charged to a vendor in connection with the sale of land under this Part of this Act. Any claim in excess of the rate prescribed shall be illegal; and any sum in the nature of a commission paid in contravention of this section or of any regulation made hereunder shall be recoverable by the Crown in any court of competent jurisdiction, and shall upon receipt be placed to the credit of the Closer Settlement Fund.

(2) No commission on any such sale shall be claimed by any person from or be payable by an applicant under section 9A or section 9H of this Act, and any commission so paid shall be recoverable and shall be applied in the like manner as is provided in subsection one of this section.

(3) Any person who accepts any valuable consideration in contravention of subsection (1) or (2) of this section shall be liable to the penalty provided for in section 9L of this Act.

Restrictions on right of transfer.

9T. (1) Notwithstanding anything in any Act, any holding acquired by a member of the forces, discharged member of the forces or other eligible person under the provisions of this Part of this Act shall not be transferable until ten years after the commencement of title to such holding except to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or, in the event of the death of the holder to the widow, widower, child or children of such holder **or to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under the War Service Land Settlement Act, 1941, as amended by subsequent Acts.** The provisions of this section shall not apply to a transfer by way of mortgage or discharge of mortgage.

(2) The restrictions imposed by subsection one of this section are in addition to and not in substitution for any other restrictions upon transfer provided by this or any other Act.

Waiver of certain payments during an assistance period.

9U. Notwithstanding anything in any Act a member of the forces, discharged member of the forces, or other eligible person who has acquired land under the provisions of this Part of this Act shall not be liable to pay any instalment of land purchase money during an assistance period, and any rent or interest becoming due and payable in respect of his occupation of such land during an assistance period shall be waived.

In this section "assistance period" means—

(a) in the case of a discharged member of the forces or other eligible person a period of one

one year following the date of commencement of his title to the land;

(b) in the case of a member of the forces a period of one year following the date upon which he is issued with a qualification certificate as a discharged member of the forces:

Provided that with the concurrence of the Minister of State for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Parliament of the Commonwealth an assistance period may be extended by the Minister beyond the said period of one year.

6. (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended— Further amendment of Act No. 38, 1943.

(a) by omitting from subsection one of section two the words "within one year from such date" and by inserting in lieu thereof the words "at any time before the first day of July, one thousand nine hundred and forty-six"; Sec. 2. (Conversion.)

(b) by omitting from subsection one of section five the words "within one year from the commencement of this Act" and by inserting in lieu thereof the words "at any time before the first day of July, one thousand nine hundred and forty-six." Sec. 5. (Reduction of rent.)

(2) This section shall be deemed to have commenced on the sixth day of March, one thousand nine hundred and forty-five.

7. The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by omitting from subsection two of section three the words "thirty-first day of December, one thousand nine hundred and forty-five" wherever occurring and by inserting in lieu thereof the words "thirtieth day of June, one thousand nine hundred and forty-six." Amendment of Act No. 66, 1941. Sec. 3. (Waiver of interest and rent.)

8.

8. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment of Act No. 7, 1913.

Sec. 197. (Exchanges and purchases for public purposes.)

(a) by omitting from section one hundred and ninety-seven the words "Provided that where land is required for returned or discharged soldiers or sailors, the Governor may resume such land" and by inserting in lieu thereof the words "Provided that where land is required for the purpose of disposal in pursuance of the provisions of subsection one of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Governor may purchase such land, or resume it";

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

(2) Where for the purposes of this section a local land board is required to determine the value of any land such board shall have regard to the productive capacity of such land under fair average seasons, prices and conditions. Sales of land similar in quality, locality and other respects to the land in respect of which such determination is to be made shall not be taken into account unless such board is satisfied that the value reflected by such sale is fair and reasonable having regard to the productive capacity of the land under fair average seasons, prices and conditions.

(3) Where in pursuance of this section any land is acquired or proposed to be acquired for the purposes of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the price to be paid for the land purchased shall not exceed, and the price to be paid for the land resumed shall be, the price determined by the local land board or the Land and Valuation Court on appeal: Provided that the price so determined shall not exceed the amount which the

the local land board or the Land and Valuation Court on appeal would have determined in respect of an identical acquisition as at the tenth day of February, one thousand nine hundred and forty-two **excepting the value of any improvements effected on such land since that date.**

9. The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting from subsection three of section eleven the words "Where an appeal is made to the local land board or an appeal or reference made to the Land and Valuation Court and the fair market value of the land as determined by the local land board or Court is in excess of the fair market value of the land as determined by the advisory board plus ten per centum thereof, the Minister shall refuse consent to the transfer if the price being paid by the proposed transferee as aforesaid is in excess of the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

Further amendment of Act No. 38, 1943. Sec. 11. (Restrictions on transfer.)

For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted" and by inserting in lieu thereof the words "Where an appeal is made to the local land board or an appeal or reference made to the Land and Valuation Court, and the fair market value of the land as determined by the local land board or Court does not exceed by ten per centum or more the fair market value of the land as determined by the advisory board, the Minister shall refuse such consent where the amount of the purchase money, rent or other consideration exceeds by ten per centum or more the fair market value of the land as determined

determined by the advisory board, or the rent or other consideration appropriate to the fair market value as so determined.

Where an appeal is made to the local land board or an appeal or reference made to the Land and Valuation Court, and the fair market value of the land as determined by the local land board or Court exceeds by ten per centum or more the fair market value of the land as determined by the advisory board the Minister shall refuse such consent where the purchase money, rent or other consideration is in excess of the fair market value as determined by the local land board or the Land and Valuation Court as the case may be, or the rent or other consideration appropriate to the fair market value as so determined.

Where an advisory board or the local land board or the Land and Valuation Court is required or authorised to determine the fair market value of the land for the purposes of this subsection the value so determined shall be the fair market value of the land calculated on a freehold basis, inclusive of all improvements.

For the purposes of any comparison of purchase money, rent, or other consideration with the fair market value of the land, which is required or authorised by this subsection, the following provisions shall apply:—

(a) such adjustments shall be made of the amount of purchase money, rent or other consideration as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis, and such comparison shall be made by reference to the amount as so adjusted, and

(b) in the case of a transfer by way of sale the actual amount of purchase money shall be stated in the application for permission to transfer and the amount which would be appropriate had the transfer been on a freehold basis shall be ascertained by adding to such first-mentioned amount an amount equivalent to forty times the annual rent payable under this Act."

10. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from section fifty-three the words "except payment of the balance of purchase money, have been duly complied with" and by inserting in lieu thereof the words "other than payment of the balance of purchase money and such other moneys as may be payable, have been duly complied with: Provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid"; Sec. 53. (Inquiries by board: certificates of conformity.)

(b) by omitting paragraphs (a) and (b) of section fifty-six and by inserting in lieu thereof the following paragraphs: Sec. 56. (Issue of Crown grant for conditional purchase.)

(a) the issue of a certificate that all conditions, other than payment of the balance of purchase money and such other moneys as may be payable, have been duly complied with—and

(b) payment of the balance of purchase money and such other moneys as may be payable—and

(c) by omitting section one hundred and twelve and by inserting in lieu thereof the following section: Subst. sec. 112.

112. Upon the finding of the local land board that the conditions (other than payment of the balance of purchase money and such other moneys as may be payable) attaching to a conditional purchase which is a conversion of a conditional purchase lease have been duly complied with, and upon payment of such balance of purchase money and such other moneys as may be payable and stamp duty and deed fee the Governor shall issue a Crown grant in fee-simple of the land, Issue of Crown grant.

(d)

(d) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:— Sec. 178. (Suspension or remission of conditions other than payment.)

(4) The Minister may unconditionally, or subject to such conditions as he may impose, dispense with the condition of residence, fencing or improvement in respect of any holding where the area is not of a greater unimproved value than three hundred pounds. Where in pursuance of this provision the Minister dispenses with the condition of residence attaching to any holding, the local land board may issue a certificate of fulfilment of all conditions other than payment of the balance of purchase money and such other moneys as may be payable, whereupon, in the case of any holding in respect of which a deed of grant may be issued, such deed of grant may be issued upon payment of the balance of purchase money and such other moneys as may be payable, together with any stamp duty and deed fee notwithstanding that the original term of residence may not have expired: Provided that where any dispensation under this subsection is subject to conditions imposed by the Minister, or where the Minister does not dispense with the conditions of fencing or improvement, the local land board shall not issue such a certificate until the board finds that the conditions imposed by the Minister or the condition of fencing or improvement, as the case may be, have been fulfilled.

11. The Murrumbidgee Irrigation Act, 1910, as amended by subsequent Acts, is amended by inserting at the end of paragraph (a) of subsection two of section six the words "In making such valuation an advisory board shall be governed by the provisions of subsection four of section four of the said Act." Amendment of Act No. 42, 1910. Sec. 6. (Power to acquire land within beneficial operation of works.)

12. The Irrigation Act, 1912-1944, is amended by inserting at the end of subsection four of section six the words "and any land purchased or resumed under the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts." Amendment of Act No. 73, 1912. Sec. 6. (Constitution of Irrigation Areas.)

Sydney: Thomas Henry Tennant, Government Printer—1945.

[2*s.* 9*d.*]

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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,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 14 *December,* 1945.

New South Wales.

ANNO DECIMO

GEORGII VI REGIS.

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Act No. , 1945.

An Act to make further provision for and in relation to the settlement on the land of members or discharged members of His Majesty's naval, military, or air forces and other eligible persons; to make further provision for the disposal of land by way of lease in perpetuity; to make provision for the assessment or determination of the value of land to be acquired for the purposes of settlement; for these and other purposes to amend the War Service Land Settlement Act, 1941, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith.

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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 "War Service Land Settlement and Closer Settlement (Amendment) Act, 1945." Short title.

2. (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended— Amendment of Act No. 43, 1941.

(a) (i) by omitting from subsection one of section two the definition of "Discharged member of the forces" and by inserting in lieu thereof the following definition:— Sec. 2. (Definitions.)

"Discharged member of the forces" means a person who, having been a member of the forces has had his appointment terminated or received his discharge—

(a) after not less than six months' war service, or

(b) after less than six months' war service and has in the opinion of the classification committee been materially prejudiced by reason of his war service;

but does not include any person the termination of whose appointment or whose discharge was due to misconduct or incapacity resulting from his own default;

(ii) by omitting from the same subsection the definition of "Member of the forces" and by inserting in lieu thereof the following definitions:—

"Member of the forces" means— Act No. 11, 1945 (Commonwealth) s. 4 (1)

(a) a person who is or was, during the war, a member of the Permanent Forces, other than the Australian Imperial Force;

(b)

(b) a person who is or was, during the war, a member of the Australian Imperial Force;

(c) a member of the Citizen Forces who is or was enlisted, appointed or called up for continuous service for the duration of, and directly in connection with, the war;

(d) a person who is or was, during the war, engaged on continuous full-time service as a member of any of the following services:—

The Royal Australian Naval Nursing Service;

The Women's Royal Australian Naval Service;

The Australian Army Nursing Service;

The Australian Women's Army Service;

The Australian Army Medical Women's Service;

The Royal Australian Air Force Nursing Service;

The Women's Auxiliary Australian Air Force;

(e) a member of a Voluntary Aid Detachment who is or was, during the war, engaged on continuous full-time paid duty with any part of the Defence Force;

(f) a member of the Naval, Military or Air Forces of any part of the King's dominions other than Australia, who is or was, during the war, engaged

engaged on service in a prescribed area and was born in Australia or was, immediately prior to his becoming a member of any of those Forces, domiciled in Australia; and

(g) a person who is or was, during the war, engaged on continuous full-time service with any Nursing Service or other Women's Service auxiliary to the Naval, Military or Air Force of any part of the King's dominions other than Australia who was born in Australia or was, immediately prior to her becoming a member of that Service, domiciled in Australia,

but does not include any enemy alien who served during the war as a member of the Army Labour Corps but not otherwise.

"Other eligible person" means any person included in a class of persons which the Commonwealth with the concurrence of the State determines shall be deemed eligible to participate in land settlement under the scheme contained in the Agreement between the Commonwealth and the State approved and ratified by the War Service Land Settlement Agreement Act, 1945.

(iii) by inserting at the end of the same subsection the following new definitions:—

"The war" means the war which commenced on the third day of September, one thousand nine hundred and thirty-nine, and includes any

Act No. 11, 1945 (Commonwealth) s. 4 (1).

any other war in which His Majesty became engaged after that date and before the date of commencement of this Act.

"War service" means—

Act No. 11, 1945 (Commonwealth) s. 4 (1).

(a) service as a member of the Permanent Forces, other than the Australian Imperial Force;

(b) service in the Australian Imperial Force;

(c) the service of a member of the Citizen Forces when called out for war service in pursuance of the Defence Act 1903-1945 of the Commonwealth, or during continuous training under that Act, the Naval Defence Act, 1910-1934, or the Air Force Act 1923-1941 of the Commonwealth;

(d) the continuous full-time service in the Defence Force under any Act of the Commonwealth or under any regulations under any such Act, of any person who volunteers and is accepted for that service during war;

(e) in the case of a person specified in paragraph (d), (e), (f) or (g) of the definition of "member of the forces," service in any of the bodies specified in those paragraphs:

Provided that where a person has been engaged on war service during two or more periods, he shall be deemed to have been engaged on war service during a period equal in duration

duration to the aggregate of the periods during which he was so engaged;

(b) (i) by inserting in subsection one of section three after the symbol and words "(c) discharged soldiers" the following symbol and words:—

(d) other eligible persons.

Sec. 3. (Areas may be set apart for selection by certain classes of persons.)

(ii) by inserting next after the same subsection the following new subsections:—

(1A) Notwithstanding anything in any Act or in any regulations made thereunder a notification setting land apart under this section may specify a period during which all applications for any such land shall, where conflicting, be deemed to have been made simultaneously. In any proceedings before a local land board any such applications lodged in proper manner during such period shall, where conflicting, be deemed to have been made simultaneously.

(1B) Where in any such proceedings precedent to allowance, confirmation or granting of any application for land set apart under this section an applicant is subjected to examination by or on behalf of any other party to such proceedings, and the nature of such examination is in the opinion of the local land board frivolous or unwarranted, it shall be lawful for such board to impose on such other party a fine not exceeding fifty pounds; and in default of immediate payment thereof to commit him to gaol for any time not exceeding three months unless the fine be sooner paid.

cf. Act No. 7, 1913, s. 14 (4).

(iii) by inserting at the end of subsection two of the same section the words "In this subsection 'original holdings' mean holdings which in the opinion of the Minister constitute home maintenance areas";

(iv)

(iv) by omitting from subsection three of the same section the words "or discharged soldier" and by inserting in lieu thereof the words "discharged soldier or other eligible person";

(v) by inserting at the end of the same subsection the following paragraph:—

Any such application shall be made—

(a) in the case of a member of the forces or a discharged member of the forces, within five years after the fifteenth day of August, one thousand nine hundred and forty-five, or the date on which the applicant ceased to be engaged on war service, whichever is the later;

(b) in the case of a discharged soldier or other eligible person, within five years after the fifteenth day of August, one thousand nine hundred and forty-five.

(vi) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—

(4) An application for any land set apart under this section shall be made in the form and manner prescribed. The applicant shall satisfy the local land board or the Commission, as the case may be, that he has been issued with a qualification certificate to the effect that he possesses the necessary experience and fitness to engage in the type of farming or pastoral pursuits for which the land applied for is, in the opinion of the local land board, or the Commission, best adapted, and the local land board or the Commission shall not confirm, allow, grant or recommend any application unless so satisfied.

Possession

Possession of any such certificate shall be admissible in all proceedings under this subsection as evidence that the applicant is qualified by experience to engage in the type of farming or pastoral pursuits specified in such certificate; but the local land board or the Commission shall be entitled to take into consideration whether specialised experience in such pursuits is essential in any particular case.

(vii) by omitting from subsection five of the same section the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(viii) by inserting at the end of the same section the following new subsections:—

(6) The Under Secretary for Lands or any person authorised by him may issue a certificate in or to the effect of the prescribed form showing the date on which any application for a qualification certificate was received by the Under Secretary or by any person authorised by him to receive such applications, and any such certificate shall be admissible in all proceedings under this section as evidence of the matters contained therein.

(7) Any two members of the classification committee may issue a certificate in or to the effect of the prescribed form certifying that a qualification certificate has been issued to the person named and in respect of the type of farming or pastoral pursuits stated in such first-mentioned certificate, and any such certificate shall be admissible in all proceedings under this section as evidence of the matters contained therein.

(8) The local land board or the Commission, as the case may be, shall not refuse an application

application for land set apart under this section on the ground that the applicant does not possess sufficient financial resources successfully to occupy the land applied for.

Sec. 4. (Classification Committee.)

(c) (i) by omitting from subsection two of section four the words "or discharged soldier and that he possesses the necessary experience and fitness to engage in farming or pastoral pursuits, it shall issue to him a qualification certificate; if not so satisfied, the committee may refuse to issue a qualification certificate" and by inserting in lieu thereof the words "discharged soldier or other eligible person and that he possesses the necessary experience and fitness to engage in farming or pastoral pursuits of any particular type or types, it shall issue to him a qualification certificate specifying the type or types of farming or pastoral pursuits in which he possesses the necessary experience and fitness or if satisfied that he would become possessed of the necessary experience and fitness to engage in any particular type or types of farming or pastoral pursuits after he has obtained adequate training or further experience it shall issue to him a certificate to that effect. If not satisfied as aforesaid the committee may refuse to issue a qualification certificate or other certificate under this subsection";

(ii) by omitting from the same subsection the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

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

(3) (a) The classification committee may, at its discretion, recall, amend, and re-issue any qualification certificate, and the Minister

Minister may, by notification in the Gazette and upon the recommendation of the classification committee, cancel any qualification certificate which has been issued.

(b) A qualification certificate issued to a member of the forces shall cease to be of any effect after the person to whom it was issued has had his appointment terminated or received his discharge, but such person shall thereupon if a discharged member of the forces be entitled to apply for a fresh qualification certificate:

Provided that where a member of the forces has made application for a qualification certificate and a qualification certificate is issued to him in respect of a subsequent application made by him as a discharged member of the forces, he shall be deemed to have applied for the qualification certificate so issued on the date upon which such first-mentioned application was made.

This subsection shall apply to qualification certificates issued and to applications for qualification certificates made before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, as well as to qualification certificates issued and applications for qualification certificates made after such commencement.

Sec. 5. (Applications by parent, or relative or other person.)

(d) (i) by omitting from subsection one of section five the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(ii) by inserting in subsection two of the same section next after the word "Commission" the words "or the classification committee";

(iii) by omitting from the same subsection the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(e)

(e) (i) by omitting from subsection one of section six the words and figures "as defined in the Defence Act 1903, as amended by subsequent Acts, of the Parliament of the Commonwealth"; Sec. 6. (Residence condition deemed to have been complied with.)

(ii) by omitting from the same subsection the words "outside the Commonwealth" and by inserting in lieu thereof the words "outside the State of New South Wales";

(f) by inserting next after section eight the following new sections:— New secs. 8A-8E.

8A. (1) Notwithstanding anything in any Act, any holding comprising land set apart and disposed of in accordance with section three of this Act after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, shall not be transferable until ten years after the commencement of title to such holding except to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under this Act, or, in the event of the death of the holder, to the widow, widower, child or children of such holder. The provisions of this subsection shall not apply to a transfer by way of mortgage or discharge of mortgage. Restrictions on right of transfer.

(2) The restrictions upon transfer imposed by subsection one of this section are in addition to and not in substitution for any other restrictions upon transfer provided by any other Act.

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas prior to their being set apart to be disposed of in accordance with section three of this Act, and he may expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943. Development of lands for war service land settlement.

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The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds in respect of any one such farm or block; and the erection may be deferred until after disposal of the land:

Provided that where the dwelling is erected after disposal of the land the holder shall become liable to the Crown for all payments in respect thereof, and in like manner, as he would have been required by law to make if such dwelling had been erected prior to disposal; but the first of such payments shall not become due until a date to be determined by the Minister, such date being not later than the date on which the first payment would have become due if the holder's title to the holding had commenced on the day next succeeding the day on which erection of the dwelling was completed.

"Minister" in this section in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1944.

Advances and other assistance to settlers under this Act.

8c. (1) The Minister may from time to time make such advances to a discharged member of the forces or other eligible person as he may deem necessary for the satisfactory occupation and development of any land disposed of in accordance with section three of this Act to such discharged member of the forces or other eligible person. Such advances shall be for the purposes of—

(a) providing working capital,

(b) paying for or effecting improvements upon such land, or

(c) purchasing livestock, plant or equipment.

(2) The Minister may make like advances to a discharged member of the forces or other eligible person with respect to any land owned or leased by such person, not being land disposed of in accordance with section three of this Act.

(3)

(3) The Minister may purchase and dispose of such plant, equipment and implements as he may deem necessary for the purposes of this Act, and any advances made to a discharged member of the forces or other eligible person under the provisions of subsection one or subsection two of this section may be applied by such discharged member of the forces or other eligible person in acquiring any such plant, equipment or implements from the Minister.

(4) All moneys advanced by the Minister under the authority of this section shall bear interest at such rate as may from time to time be determined by him, and shall be made upon such securities, and subject to such covenants, conditions and provisions as he may determine. Payment of moneys advanced and interest thereon shall be made in the manner, by such instalments and at the times, and to such nominee of the Minister as may be prescribed.

(5) If default is made in the payment of any money advanced 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 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, 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 in any court of competent jurisdiction.

By notification in the Gazette the Minister may reverse any forfeiture under this section.

Notwithstanding

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 title to the land shall vest in His Majesty the King, and the land shall not be open to any application until again notified for the purpose.

(6) Where the Minister is of opinion that any money advanced under this Act has not been applied for the purpose for which it was advanced, or has been expended in a careless or extravagant manner, or that any plant, equipment or implement supplied in pursuance of this Act, is being neglected, he may refuse to pay any further instalments of the advance or to make any further advances, and, if he so declares by a notification in the Gazette, all moneys already advanced, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

(7) The following provisions shall apply in respect of all advances made under this section in respect of which the Commonwealth has agreed to accept responsibility as expressed in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945:—

(a) The general terms and conditions under which the advances are made shall be subject to the concurrence of the Minister of State of the Commonwealth for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth.

(b) The Minister shall cause the records of such advances to be kept separately from the records of all other advances.

(c)

(c) During an assistance period as defined in section 8D of this Act no repayment of principal moneys shall be required, and payment of interest for that period shall be waived.

This paragraph shall not apply to an advance for the purpose of providing working capital.

(8) "Minister" in this section in the case of lands within an irrigation area, or advances to a holder of land within an irrigation area, shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1944.

(9) The Minister for the purposes of this section shall be a corporation sole under the name of the Minister for Lands or the Minister for Conservation according as the land in respect of which advances under this section are made is not or is within an irrigation area, and by such 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.

Assistance period.

8D. (1) During an assistance period the net proceeds of the holding shall be paid by the settler to a nominee of the Minister, to be credited against future obligations of the settler in respect of—

(a) advances for purchase of livestock, plant or equipment;

(b) advances for paying for or effecting improvements;

(c) rent or interest in respect of his land holding, or interest or principal in respect of structural improvements,

in such proportion as the Minister may determine:

Provided

Provided that at least one-half of such net proceeds shall be credited against advances for purchase of livestock, plant or equipment:

Provided also that the Minister may, in any particular case, waive the requirements of this subsection, either wholly or in part, if in his opinion the circumstances of the case are such that it is desirable to do so.

(2) In the event of a settler being unable at any time to make all payments then due by him under this Act or in respect of the holding, such payments as he may make shall be applied toward payment of his indebtedness in respect of—

(a) advances for the purpose of providing working capital,

(b) advances for purchase of livestock,

(c) advances for purchase of plant or equipment,

(d) advances for paying for or effecting improvements,

(e) rent or interest in respect of his land holding, or interest or principal in respect of structural improvements,

in that order.

(3) Notwithstanding anything in any Act, the holder of any land disposed of in accordance with section three of this Act shall not be liable to pay any instalment of land purchase money during an assistance period, and any rent or interest becoming due and payable in respect of his occupation of such land during an assistance period shall be waived.

(4) (a) In this section "assistance period" means—

(i) in the case of a discharged member of the forces or other eligible person a period

period of one year following the date of commencement of his title to the land,

(ii) in the case of a member of the forces a period of one year following the date upon which he is issued with a qualification certificate as a discharged member of the forces:

Provided that with the concurrence of the Minister of State for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Parliament of the Commonwealth an assistance period may be extended by the Minister beyond the said period of one year.

(b) In this section "Minister" in the case of lands within an irrigation area, or advances to a holder of land within an irrigation area, shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1944.

Financial provisions. Act No. 21, 1916, s. 9.

8E. (1) All moneys required for advances or expenditure under this Act shall be paid out of moneys provided by Parliament for such purposes.

(2) All moneys received as interest in respect of sale of improvements which have been carried out pursuant to section 8B of this Act, or in respect of advances made under section 8C of this Act shall be paid to the Consolidated Revenue Fund.

(2) Paragraph (a), subparagraph (iii) of paragraph (b) and subparagraph (ii) of paragraph (c) of subsection one of this section shall be deemed to have commenced on the eighth day of October, one thousand nine hundred and forty-one.

3. The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended—

Amendment of Act No. 12, 1907.

Sec. 3. (Report by board.)

(a) by inserting at the end of section three the following new subsection:—

Act No. 7, 1913, s. 166.

(3) Where an advisory board is required by this section to report upon the estimated value of any land such board shall have regard to the productive capacity of such land under fair average seasons, prices and conditions. Sales of land similar in quality, locality and other respects to the land in respect of which such estimated value is to be made shall not be taken into account unless such board is satisfied that the value reflected by any such sale is fair and reasonable having regard to the productive capacity of the land under fair average seasons, prices and conditions.

Sec. 4. (Power to purchase or resume land.)

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

cf. Act No. 12, 1907, s. 5 (7).

(4) (a) The price to be paid in respect of any such purchase shall not exceed the price at which an advisory board has recommended the acquisition of the land:

Provided that where any such purchase is made for the purpose of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the price at which an advisory board recommends the acquisition of the land shall not exceed the price which it would have recommended in respect of an identical purchase as at the tenth day of February, one thousand nine hundred and forty-two.

(b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into in terms of section eleven of this Act, be the value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, as determined by the Land and Valuation Court: Provided

Provided that where any such resumption is made for the purposes of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the value of the land as so assessed or determined shall not exceed the value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two.

(c) by inserting in paragraph (f) of subsection seven of section five after the words "think just" where secondly occurring the words "Provided further that where any such purchase or resumption is made for the purposes of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the price assessed or the value assessed or determined under this paragraph shall not exceed the price or value which would have been assessed or determined under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two."

Sec. 5. (Lands within fifteen miles of proposed railway and lands to which added value accrues by reason of public works.)

(d) by omitting subsection one of section six and by inserting in lieu thereof the following subsection:—

Sec. 6. (Restriction of disposition.)

(1) Where the Governor by proclamation under section four or section five of this Act notifies that he proposes to consider the advisableness of acquiring any land for the purposes of closer settlement, such land shall not, while such proclamation remains in force, be transferred or otherwise dealt with unless the consent of the Minister to such transfer or other dealing has been first obtained.

Application for such consent shall be made in the prescribed form and shall be accompanied by the prescribed fee.

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The provisions of this subsection shall apply to land in respect of which any such proclamation was made before the date of commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, as well as to land in respect of which any such proclamation may be made after that date.

(e) by omitting from section twelve the words "four weeks" and by inserting in lieu thereof the words "three months"; Sec. 12. (Right of owner to require contiguous land to be resumed.)

(f) (i) by omitting from subsection one of section thirteen the words "Where more than one person is the owner of such land, only one such right may be exercised" and by inserting in lieu thereof the words "Where such land is held by more than one owner, only one such right may be exercised, and any other lands held by each of such owners shall be taken into account, in all respects as if the land proposed to be resumed and all such other lands were held by the one owner"; Sec. 13. (Retainer by owner of part of land resumed.)

(ii) by omitting from the same subsection the words "four weeks" and by inserting in lieu thereof the words "three months";

(iii) by inserting at the end of the same subsection the following words:—

"For the purposes of this subsection the following provisions shall apply:—

(a) Lands held by the spouse of the owner of any land proposed to be resumed under this Act shall be taken into account as if such lands were lands held by such owner.

(b) Lands owned by a company and used for pastoral, agricultural or the like purposes shall be deemed to be owned by the share-holders of the company as joint owners in the

the proportions of their interests in the paid-up capital of the company.

(c) Where separate parcels of land proposed to be resumed under this Act are held by different owners, and an advisory board reports that such parcels are occupied, controlled or used substantially in the interests of one of such owners, all such owners shall be deemed to be joint owners of all such parcels, and they shall be entitled to exercise only one right of retainer in respect of the whole of the land comprised in such parcels."

(iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) This section shall apply in any case in which the land proposed to be resumed is land referred to in a proclamation (not being a proclamation under section five of this Act) published in the Gazette before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, as well as to land referred to in a proclamation (not being as aforesaid) published after such commencement, but shall not apply in any case in which the land proposed to be resumed is land referred to in a proclamation published under section five of this Act, or additional land which the Governor is authorised by that section to resume.

4. The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended— Amendment of Act No. 38, 1943.

(a) (i) by omitting from the matter relating to Part IV in subsection four of section one the words "Setting apart of Forfeited Holdings Sec. 1. (Short title, commencement and division into Parts.)

Holdings as Leases in Perpetuity" and by inserting in lieu thereof the words "Setting apart of Land for Closer Settlement Lease";

5 (ii) by inserting in the same subsection next after the matter relating to Part IV the new matter:—

PART IVA.—PROMOTION OF SETTLEMENT OF SERVICEMEN—*ss.* 9A–9U.

10 (b) by omitting the short heading to Part IV and by inserting in lieu thereof the following new short heading:— Short heading to Part IV.

SETTING APART OF LAND FOR CLOSER SETTLEMENT LEASE.

15 (c) (i) by inserting in subsection two of section six after the words "shall be" the words "any Crown lands or lands acquired under the Closer Settlement Acts or otherwise and includes"; Sec. 6. (Application of Part IV.)

20 (ii) by omitting from the same subsection the words "together with any adjacent Crown lands";

(d) (i) by omitting from paragraph (a) of subsection two of section seven the words "and annual rents" and by inserting in lieu thereof the words and symbols "(exclusive of the capital values of any structural improvements thereon) and annual rents and of the nature and value of any structural improvements which are to be paid for by an incoming tenant"; Sec. 7. (Setting apart.)

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(ii) by omitting from the proviso to paragraph (a) of the same subsection the words "local land board" and by inserting in lieu thereof the words "Minister upon the recommendation of an advisory board";

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(iii) by omitting from paragraph (c) of the same subsection the words "setting apart of land as a closer settlement lease area" and by inserting

inserting in lieu thereof the words "notification under this subsection or subsection one of this section";

(e) by omitting from paragraph (a) of subsection two of section nine the words "date of application for" and by inserting in lieu thereof the words "commencement of title to"; Sec. 9. (Closer Settlement Leases.)

(f) by inserting next after section ten the following new section:— New sec. 10A.

10A. Where by the terms of a notification under subsection two of section seven of this Act an incoming tenant is required to pay the capital value of any structural improvements, the following provisions shall apply:— Payment for improvements.

(a) the amount owing from time to time shall bear interest at the rate of two and one-half per centum per annum;

(b) payment in respect of interest shall be due on the last day of November next succeeding the date of commencement of title of the closer settlement lease and successively thereafter on the last day of November in each year;

(c) payment of the capital value of such improvements together with interest on the amount owing from time to time shall be made—

(i) where such capital value does not exceed eight hundred pounds —by not more than twenty-five equal yearly instalments,

(ii) where such capital value exceeds eight hundred pounds—by not more than thirty-five equal yearly instalments.

The first of such instalments shall be payable on the last day of November in the sixth year following the year in which

which the first interest payment falls due. Two or more instalments may be paid at the same time;

(d) if any payment due in respect of interest or instalment is made within a period of two months from the due date it shall be deemed to have been made on the due date.

(g) by omitting from subsection two of section eleven the words "settlement purchase lease or a group purchase lease or a closer settlement lease" and by inserting in lieu thereof the words "closer settlement lease the title to which commenced before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or a settlement purchase lease or a group purchase lease or application for permission to transfer (except by way of release of mortgage) or otherwise deal with a closer settlement lease the title to which commenced after the commencement of such Act"; Sec. 11. (Restrictions on transfer.)

(h) (i) by inserting in subsection one of section fourteen after the word "rent" where firstly occurring the words "or in the case of a closer settlement lease any interest or instalment of principal moneys due in respect of purchase of improvements"; Sec. 14. (Forfeiture.

(ii) by inserting at the end of the same subsection the words "or interest or principal moneys".

5. The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by inserting next after section nine the following new Part— Further amendment of Act No. 38, 1943.

PART IVA.

Promotion of Settlement of Servicemen.

New Part IVA.

9A. (1) Any three or more members of the forces, discharged members of the forces or other eligible persons within the meaning of the War Service Land Settlement Applications to Minister to acquire private lands. Act No 48, 1918. Sec. 9.

Settlement Act, 1941, as amended by subsequent Acts, each of whom holds a qualification certificate issued under that Act, as so amended, and is qualified to apply for a settlement purchase under the Closer Settlement Acts who desire to acquire from the one owner any private lands may, with the consent of such owner, apply to the Minister to acquire the said lands under and subject to the provisions of this Part at the price set out in the application.

(2) An application shall be made in the manner and in or to the effect of the form prescribed by regulations made under the Closer Settlement Acts.

(3) Where, in any such application the number of the original applicants is for any cause reduced, the application may with the consent of the Minister be proceeded with in any case where the number of the remaining applicants is not less than three.

(4) Any other duly qualified person may, with the consent of the Minister, be substituted for any original applicant.

Valuation.

9B. The Minister may cause a valuation of such lands to be made by an advisory board: Provided that any such valuation shall not exceed the amount at which an advisory board would have valued identical land as at the tenth day of February, one thousand nine hundred and forty-two.

Where valuation is less than price. Act No. 48, 1918, s. 12.

9C. If the amount at which the land has been so valued is less than the price specified in the application the Minister shall refuse the application, unless the owner agrees to reduce the price to the amount of the valuation.

Purchase of land. *Ibid.* s. 13.

9D. Where application is made under section 9A of this Act the Minister, on being satisfied—

(a) that the lands the subject of such application are suitable for settlement;

(b) that such lands constitute but do not substantially exceed a home maintenance area for each applicant;

(c)

(c) that each applicant is qualified to apply for a settlement purchase and is otherwise eligible; and

(d) that the price is not in excess of the valuation made by an advisory board in accordance with section 9B of this Act;

may approve of the purchase.

Payment for land. Act No. 48, 1918, s. 13.

9E. Any purchase of land by the Minister pursuant to section 9D of this Act shall be paid for—

(a) in cash; or

(b) with the consent of the owner, vendor or mortgagee by closer settlement debentures.

Vesting of land in applicant.

9F. (1) Upon the surrender of the land to the Crown, the following provisions shall apply:—

(a) The Minister shall cause a subdivision thereof to be made into farms to be held as closer settlement leases.

(b) The Minister may by his authorised agents and workmen improve the land by clearing, fencing, draining, grading, provision of water supply and by effecting general improvements.

(c) The Minister shall notify in the Gazette particulars of the farms and of their respective areas, capital values (exclusive of the capital values of any structural improvements thereon) and annual rents and of the nature and value of any structural improvements which are to be paid for by the incoming tenant. He shall also in such notification set out what special conditions and restrictions shall attach to such farms: Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board.

The

The Minister shall also in such notification notify in respect of each farm the name of the applicant or substituted person under section 9A of this Act in whom the land shall vest and be held as a closer settlement lease under paragraph (d) of this subsection.

(d) Upon publication in the Gazette of a notification under paragraph (c) of this subsection each farm shall vest in and be held as a closer settlement lease by the person whose name has been notified in such notification and title to the closer settlement lease shall commence on the day of such publication.

(2) The provisions of this Act, the Closer Settlement Acts and the regulations thereunder relating to closer settlement leases under Part IV of this Act shall apply, mutatis mutandis, to closer settlement leases under this Part of this Act. For the purposes of such application the words "section seven of this Act" in subsection two of section nine of this Act shall be read as "subsection one of section 9F of this Act."

Penalties.

9G. (1) If any person gives or offers or any owner receives or solicits valuable consideration in respect of any purchase under section 9D of this Act over and above the approved purchase price either directly or indirectly and either before or after the Minister approves of the purchase he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months with or without hard labour, or to penalty and imprisonment as aforesaid.

(2) Where the holder of a closer settlement lease has been convicted of an offence against subsection one of this section in respect of the land so held such conviction shall render the holding liable to forfeiture and the provisions of section fourteen of this Act shall apply in any such case.

9H. (1) Any member of the forces, discharged member of the forces, or other eligible person within the meaning of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, who is the holder of a qualification certificate issued under that Act, as so amended, and who is qualified to apply for a settlement purchase under the Closer Settlement Acts, may apply to the Minister for an advance for the purpose of enabling such person to purchase any tenure under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Western Lands Act of 1901, the Returned Soldiers Settlement Act, 1916, or the Prickly-pear Act, 1924-1944, or any of those Acts as amended by subsequent Acts, or any freehold land.

Applications for advances for purchase of private lands.

Act No. 46, 1919, s. 2.

(2) An application shall be made in the manner and in or to the effect of the form prescribed by regulations made under the Closer Settlement Acts.

9I. The Minister may cause a valuation of such lands to be made by an advisory board: Provided that any such valuation shall not exceed the amount at which an advisory board would have valued identical land as at the tenth day of February, one thousand nine hundred and forty-two.

Valuation.

9J. If the amount at which the land has been so valued is less than the price specified in the application the Minister shall refuse the application, unless the owner agrees to reduce the price to the amount of the valuation.

Where valuation is less than price.

***Ibid.* s. 6.**

9K. (1) Where application is made under section 9H of this Act the Minister, on being satisfied—

Approval of advance.

(a) that the lands the subject of such application are suitable for settlement;

(b) that such lands constitute but do not substantially exceed a home maintenance area;

(c) that the applicant is qualified to apply for a settlement purchase and is otherwise eligible;

(d)

(d) that the price is not in excess of the valuation made by an advisory board in accordance with section 9I of this Act;

(e) that the land the subject of such application forms part of a property which is capable of subdivision into not less than two home maintenance areas; and

(f) that the applicant has paid or is able to pay to the vendor the amount of the difference between the advance proposed to be made by the Minister and the amount payable to the vendor for the land;

may approve of an advance.

Amount of advance.

(2) The amount of any advance under this section shall not exceed the lesser of the following amounts:—

(a) the amount of five thousands pounds;

(b) an amount equivalent to eighty per centum of the value of the land as determined by an advisory board in accordance with section 9I of this Act, which value shall be calculated on a freehold basis, irrespective of whether the tenure of the land is freehold or not:

Provided that where the land is other than freehold the amount of any advance which, but for this proviso, would be authorised under paragraph (a) or paragraph (b) of this subsection shall be reduced by any sums due to the Crown for balance of purchase money, or, where the land is held under a lease from the Crown, by a sum equivalent to the capital value of the land as notified or determined in accordance with the Act under which the tenure is held, or where the capital value has not been notified or determined by a sum equivalent to forty times the annual rent of the lease.

Payment by applicant.

(3) No advance approved by the Minister under subsection one of this section shall be made unless and until evidence to the satisfaction of the Minister

Minister has been produced by the applicant that he has paid to the vendor the amount referred to in paragraph (f) of that subsection.

Any money—

(a) owing by the purchaser to the vendor and secured by any mortgage or charge on the land; or

(b) lent to the purchaser by the vendor; or

(c) owing by the purchaser to any other person and directly or indirectly guaranteed by the vendor,

shall for the purposes of this subsection be deemed not to have been paid to the vendor.

Penalties.

9L. If any applicant gives or offers or any owner receives or solicits valuable consideration over and above the approved purchase price either directly or indirectly and either before or after the Minister approves of an advance under section 9K of this Act, he shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds, or to imprisonment for any period not exceeding six months with or without hard labour, or to a penalty and imprisonment as aforesaid.

Special conditions.

9M. (1) Where an advance is made under section 9K of this Act the holding in respect of which such advance is made shall (in addition to any conditions to which it may be subject under any Act) be subject to such special conditions as the Minister may determine when approving of the advance.

Without prejudice to the generality of the foregoing provisions of this subsection such special conditions may include—

(a) conditions designed to protect the land from soil erosion; and

(b) conditions designed to prevent overstocking.

(2) Irrespective of the form of tenure of the land in respect of which any such advance is made the provisions of section eleven of this Act shall apply

apply, mutatis mutandis, to such land in all respects as if such land were comprised in a closer settlement lease, and shall so apply not only during the currency of the advance made by the Minister but also after the same has been repaid.

Transfer and vesting. cf. Act No. 46, 1919, ss. 8, 10 & 11.

9N. (1) Where the Minister makes an advance under section 9K of this Act the purchase by the applicant of the tenure or freehold land as the case may be shall be carried out by the necessary transfers and assurances.

(2) The Minister may by notification in the Gazette declare that such tenure or freehold land is vested in the applicant and the same shall thereupon be deemed to be vested in such applicant as if the same had been transferred or assured to him.

(3) Where in pursuance of a notification in the Gazette under subsection two of this section any tenure or freehold land is vested in any person, and the owner or occupier of such tenure or freehold land or any other person refuses to give up possession of the land or hinders the person in whom such tenure or freehold land is so vested from entering upon or taking possession of the land, the Minister may issue a warrant to the sheriff to deliver possession of the same to the person appointed in such warrant to receive the same.

(4) Upon the receipt of such warrant the sheriff shall deliver possession of such land accordingly, and the cost accruing by reason of the issuing and execution of such warrant, to be settled by the sheriff, shall be paid by the person refusing to give possession; and the amount of such costs shall be deducted and retained by the Minister from the purchase money, if any, then payable to such party, or if the same is less than the amount of such costs, then such costs or the excess thereof beyond such purchase money, if not paid on demand, shall be levied by distress, and upon application to any justice for that purpose he shall issue his warrant accordingly.

9o. (1) Any advance made under section 9K of this Act together with interest as hereinafter provided shall until paid off be charged wholly upon the land in respect of which the advance is made, but repayment of such advance shall be made by instalments over such period not exceeding twenty years as the Minister may determine, together with interest at the rate of three and one-half per centum per annum.

Repayment of advance. cf. Act No. 46, 1919, s. 12.

(2) Any such charge shall have priority over any other charge, mortgage or encumbrance. Such charge shall not interfere with any right which the purchaser may have to convert the tenure into any other tenure, but notwithstanding such conversion the charge shall remain in full force and effect until the Minister certifies in the prescribed manner that it has been paid.

(3) 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.

(4) Where a subdivision is effected of the land or portion thereof subject to a charge under this section, or where part of the land or portion subject to any such charge is transferred the Minister may apportion the amount of such charge equitably between the respective parts resulting from such subdivision or transfer.

9P. (1) Any tenure or any freehold land in respect of which an advance is made under section 9K of this Act shall be liable to forfeiture if any instalment or interest due under section 9o of this Act remains unpaid for a period of three months after the date for payment thereof, or upon breach of any condition attached to such tenure or freehold land; but the Minister may waive incurred forfeiture either unconditionally or on such conditions as he thinks fit:

Forfeiture. *Ibid.* s. 13.

fit: And when the forfeiture of the holding shall have been waived, and the conditions, if any, of such waiver shall have been performed, the holder shall, in the case of any such tenure, if otherwise entitled thereto be entitled to receive a certificate of conformity in respect of the same notwithstanding that such certificate may have previously been applied for and refused. The Minister by notification in the Gazette may declare forfeiture of the title of any such tenure or freehold land and of all moneys paid in connection therewith. On such notification the title to the land shall vest in His Majesty, and the land shall not be open to application for settlement until it shall have been set apart for the purpose. By like notification the Minister may reverse any forfeiture.

(2) This section shall extend to a case in which the grant has been issued subject to a charge under section 9o of this Act.

(3) Where a Crown grant is forfeited pursuant to this section the Registrar-General may upon the application of the Minister and upon production of the Gazette notification declaring such forfeiture, make every such entry, cancellation and correction in the register book as may appear to the Registrar-General to be necessary or proper.

Act No. 38, 1939, s. 20 (2).

Conversion or extension of certain non-convertible leases.

cf. Act No. 46, 1919, s. 2 (3).

9Q. Where the whole or part of a conditional lease which has been determined to be non-convertible under the provisions of section one hundred and eighty-four of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and has not been declared to be convertible under the provisions of section 188A of that Act, as so amended becomes the subject of an advance under section 9K of this Act the Minister, upon the recommendation of an advisory board, may declare that such conditional lease or part thereof, as the case may be, shall be convertible into an additional conditional purchase or homestead farm, or may be extended to a lease in perpetuity.

9R. Subject to this Part of this Act the general provisions and conditions by law relating to any tenure which becomes the subject of an advance under section 9K of this Act shall continue to apply to such tenure.

Provisions applicable to tenures subject of advances. Act No. 46, 1919, s. 9.

9S. (1) The Minister may by regulation prescribe and limit the rate of commission which may be charged to a vendor in connection with the sale of land under this Part of this Act. Any claim in excess of the rate prescribed shall be illegal; and any sum in the nature of a commission paid in contravention of this section or of any regulation made hereunder shall be recoverable by the Crown in any court of competent jurisdiction, and shall upon receipt be placed to the credit of the Closer Settlement Fund.

Limitation of commission. cf. *Ibid.* s. 14.

(2) No commission on any such sale shall be claimed by any person from or be payable by an applicant under section 9A or section 9H of this Act, and any commission so paid shall be recoverable and shall be applied in the like manner as is provided in subsection one of this section.

9T. (1) Notwithstanding anything in any Act, any holding acquired by a member of the forces, discharged member of the forces or other eligible person under the provisions of this Part of this Act shall not be transferable until ten years after the commencement of title to such holding except to a member of the forces, discharged member of the forces, or other eligible person who is the holder of a qualification certificate issued under the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or, in the event of the death of the holder to the widow, widower, child or children of such holder. The provisions of this section shall not apply to a transfer by way of mortgage or discharge of mortgage.

Restrictions on right of transfer.

(2) The restrictions imposed by subsection one of this section are in addition to and not in substitution for any other restrictions upon transfer provided by this or any other Act.

9U. Notwithstanding anything in any Act a member of the forces, discharged member of the forces, or other eligible person who has acquired land under the provisions of this Part of this Act shall not be liable to pay any instalment of land purchase money during an assistance period, and any rent or interest becoming due and payable in respect of his occupation of such land during an assistance period shall be waived. Waiver of certain payments during an assistance period.

In this section "assistance period" means—

(a) in the case of a discharged member of the forces or other eligible person a period of one year following the date of commencement of his title to the land;

(b) in the case of a member of the forces a period of one year following the date upon which he is issued with a qualification certificate as a discharged member of the forces:

Provided that with the concurrence of the Minister of State for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Parliament of the Commonwealth an assistance period may be extended by the Minister beyond the said period of one year.

6. (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended— Further amendment of Act No. 38, 1943.

(a) by omitting from subsection one of section two the words "within one year from such date" and by inserting in lieu thereof the words "at any time before the first day of July, one thousand nine hundred and forty-six"; Sec. 2. (Conversion.)

(b) by omitting from subsection one of section five the words "within one year from the commencement of this Act" and by inserting in lieu thereof the words "at any time before the first day of July, one thousand nine hundred and forty-six." Sec. 5. (Reduction of rent.)

(2)

(2) This section shall be deemed to have commenced on the sixth day of March, one thousand nine hundred and forty-five.

7. The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by omitting from subsection two of section three the words "thirty-first day of December, one thousand nine hundred and forty-five" wherever occurring and by inserting in lieu thereof the words "thirtieth day of June, one thousand nine hundred and forty-six."

Amendment of Act No. 66, 1941. Sec. 3. (Waiver of interest and rent.)

8. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment of Act No. 7, 1913. Sec. 197. (Exchanges and purchases for public purposes.)

(a) by omitting from section one hundred and ninety-seven the words "Provided that where land is required for returned or discharged soldiers or sailors, the Governor may resume such land" and by inserting in lieu thereof the words "Provided that where land is required for the purpose of disposal in pursuance of the provisions of subsection one of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Governor may purchase such land, or resume it";

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

(2) Where for the purposes of this section a local land board is required to determine the value of any land such board shall have regard to the productive capacity of such land under fair average seasons, prices and conditions. Sales of land similar in quality, locality and other respects to the land in respect of which such determination is to be made shall not be taken into account unless such board is satisfied that the value reflected by such sale is fair and reasonable having regard to the productive capacity of the land under fair average seasons, prices and conditions.

(3)

(3) Where in pursuance of this section any land is acquired or proposed to be acquired for the purposes of the scheme contained in the Agreement approved and ratified by the War Service Land Settlement Agreement Act, 1945, the price to be paid for the land purchased shall not exceed, and the price to be paid for the land resumed shall be, the price determined by the local land board or the Land and Valuation Court on appeal: Provided that the price so determined shall not exceed the amount which the local land board or the Land and Valuation Court on appeal would have determined in respect of an identical acquisition as at the tenth day of February, one thousand nine hundred and forty-two.

9. The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting from subsection three of section eleven the words "Where an appeal is made to the local land board or an appeal or reference made to the Land and Valuation Court and the fair market value of the land as determined by the local land board or Court is in excess of the fair market value of the land as determined by the advisory board plus ten per centum thereof, the Minister shall refuse consent to the transfer if the price being paid by the proposed transferee as aforesaid is in excess of the fair market value as determined by the local land board or the Land and Valuation Court, as the case may be.

Further amendment of Act No. 38, 1943. Sec. 11. (Restrictions on transfer.)

For the purposes of any comparison of purchase money, rent or other consideration with the fair market value of the land, which is required or authorised by this subsection, such adjustments shall be made of the amount of purchase money, rent, consideration or value as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis and had the fair market value been calculated on a freehold basis, and such comparison shall be made by reference to the amounts as so adjusted" and by inserting in lieu thereof the words "Where

"Where an appeal is made to the local land board or an appeal or reference made to the Land and Valuation Court, and the fair market value of the land as determined by the local land board or Court does not exceed by ten per centum or more the fair market value of the land as determined by the advisory board, the Minister shall refuse such consent where the amount of the purchase money, rent or other consideration exceeds by ten per centum or more the fair market value of the land as determined by the advisory board, or the rent or other consideration appropriate to the fair market value as so determined.

Where an appeal is made to the local land board or an appeal or reference made to the Land and Valuation Court, and the fair market value of the land as determined by the local land board or Court exceeds by ten per centum or more the fair market value of the land as determined by the advisory board the Minister shall refuse such consent where the purchase money, rent or other consideration is in excess of the fair market value as determined by the local land board or the Land and Valuation Court as the case may be, or the rent or other consideration appropriate to the fair market value as so determined.

Where an advisory board or the local land board or the Land and Valuation Court is required or authorised to determine the fair market value of the land for the purposes of this subsection the value so determined shall be the fair market value of the land calculated on a freehold basis, inclusive of all improvements.

For the purposes of any comparison of purchase money, rent, or other consideration with the fair market value of the land, which is required or authorised by this subsection, the following provisions shall apply:—

(a) such adjustments shall be made of the amount of purchase money, rent or other consideration as may be necessary to equate such amount to the amount which would be appropriate had the transfer or other dealing been on a freehold basis

basis, and such comparison shall be made by reference to the amount as so adjusted, and

(b) in the case of a transfer by way of sale the actual amount of purchase money shall be stated in the application for permission to transfer and the amount which would be appropriate had the transfer been on a freehold basis shall be ascertained by adding to such first-mentioned amount an amount equivalent to forty times the annual rent payable under this Act."

10. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended— Further amendment of Act No. 7, 1913.

(a) by omitting from section fifty-three the words "except payment of the balance of purchase money, have been duly complied with" and by inserting in lieu thereof the words "other than payment of the balance of purchase money and such other moneys as may be payable, have been duly complied with: Provided that in any case where it appears that such conditions, other than as aforesaid, have been duly complied with before the expiration of such period of five years, the local land board may, before the expiration of such period, inquire as aforesaid"; Sec. 53. (Inquiries by board: certificates of conformity.)

(b) by omitting paragraphs (a) and (b) of section fifty-six and by inserting in lieu thereof the following paragraphs: Sec. 56. (Issue of Crown grant for conditional purchase.)

(a) the issue of a certificate that all conditions, other than payment of the balance of purchase money and such other moneys as may be payable, have been duly complied with—and

(b) payment of the balance of purchase money and such other moneys as may be payable—and

(c) by omitting section one hundred and twelve and by inserting in lieu thereof the following section: Subst. sec. 112.

112. Upon the finding of the local land board that the conditions (other than payment of the balance Issue of Crown grant.

balance of purchase money and such other moneys as may be payable) attaching to a conditional purchase which is a conversion of a conditional purchase lease have been duly complied with, and upon payment of such balance of purchase money and such other moneys as may be payable and stamp duty and deed fee the Governor shall issue a Crown grant in fee-simple of the land.

(d) by omitting subsection four of section one hundred and seventy-eight and by inserting in lieu thereof the following subsection:— Sec. 178. (Suspension or remission of conditions other than payment.)

(4) The Minister may unconditionally, or subject to such conditions as he may impose, dispense with the condition of residence, fencing or improvement in respect of any holding where the area is not of a greater unimproved value than three hundred pounds. Where in pursuance of this provision the Minister dispenses with the condition of residence attaching to any holding, the local land board may issue a certificate of fulfilment of all conditions other than payment of the balance of purchase money and such other moneys as may be payable, whereupon, in the case of any holding in respect of which a deed of grant may be issued, such deed of grant may be issued upon payment of the balance of purchase money and such other moneys as may be payable, together with any stamp duty and deed fee notwithstanding that the original term of residence may not have expired: Provided that where any dispensation under this subsection is subject to conditions imposed by the Minister, or where the Minister does not dispense with the conditions of fencing or improvement, the local land board shall not issue such a certificate until the board finds that the conditions imposed by the Minister or the condition of fencing or improvement, as the case may be, have been fulfilled.

11.

11. The Murrumbidgee Irrigation Act, 1910, as amended by subsequent Acts, is amended by inserting at the end of paragraph (a) of subsection two of section six the words "In making such valuation an advisory board shall be governed by the provisions of subsection four of section four of the said Act."

Amendment of Act No. 42, 1910. Sec. 6. (Power to acquire land within beneficial operation of works.)

12. The Irrigation Act, 1912-1944, is amended by inserting at the end of subsection four of section six the words "and any land purchased or resumed under the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts."

Amendment of Act No. 73, 1912. Sec. 6. (Constitution of Irrigation Areas.)

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[2*s.* 9*d.*]