

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

*Schedule of Amendments referred to in Legislative Council's Message of
25th March, 1947.*

No. 1.—Page 3, clause 3, line 33. After the word “months” insert “or such further period or periods as may be approved by the Minister.”

No. 2.—Page 8, clause 6. After line 8 insert—

(d) by inserting next after section 8^E the following new section:—

8^F. An application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1947, by a member of the forces or discharged member of the forces or other eligible person for any area of land set apart under section three of this Act, may, with the permission of the Minister, or in the case of land within an irrigation area, of the Water Conservation and Irrigation Commission, be withdrawn before or after the confirmation, granting or allowance thereof.

Provided that any such withdrawal shall not be permitted unless applied for before the expiration of twelve months, or in the case of land within an irrigation area before the expiration of three months, after the confirmation or granting or allowance of the application.

Where an application has been withdrawn pursuant to this section the Minister or the Water Conservation and Irrigation Commission, as the case may be, may grant a refund of the whole or part of the moneys paid by the applicant in connection with such land.

New
sec. 8^F.

Withdrawal
of applica-
tions.

cf. Act No.
21, 1916,
s. 13.

WAR SERVICE LAND SETTLEMENT
ACT, 1942

Section 1. (1) The Minister may, in his discretion, direct that any land which is or has been in the possession of a person who has rendered war service, or who is entitled to a grant of land under the provisions of this Act, may be disposed of in such manner as may be approved by the Minister.

(2) In exercising his powers under this section the Minister shall have regard to the following principles:—

(a) An application whether made before or after the commencement of the War Service Land Settlement and Grants Act, 1942, by a member of the forces or discharged member of the forces or other eligible person for any area of land not granted under section three of this Act, may, with the permission of the Minister, or in the case of land which is not an area of land, the Minister or the Minister in charge of the land, be withdrawn before or after the commencement, or after the expiration, of the period of twelve months.

Provided that any such withdrawal shall not be permitted unless applied for before the expiration of twelve months, or in the case of land which is not an area of land, before the expiration of three months, after the commencement or granting or otherwise of the application.

Where an application has been withdrawn pursuant to this section the Minister or the Minister in charge of the land, may, at any time, as the case may be, grant a return of the whole or part of the money paid by the applicant in connection with such land.

Withdrawal
of application
done
at any time

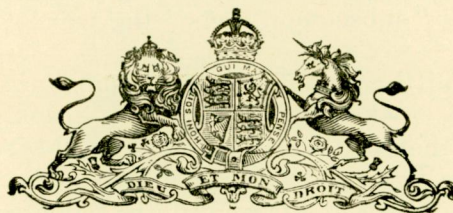
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

F. B. LANGLEY,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 19 March, 1947.

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

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 25th March, 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. , 1947.

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 reduce the value of land which an owner may retain upon resumption for closer settlement; to reduce the maximum period during which an owner may remain in occupation following resumption of his property; for these and other purposes to amend the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith.

War Service Land Settlement and Closer Settlement (Amendment).

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

1. This Act may be cited as the “War Service Land Settlement and Closer Settlement (Amendment) Act,
1947.” Short title.

2. (1) The Closer Settlement Amendment (Conver- Amendment of Act No. 38, 1943.
10 sion) Act, 1943, as amended by subsequent Acts, is amended—

- (a) (i) by omitting from subsection one of section Sec. 9A. (Applica- tions to Minister to acquire private lands.)
9A the word “three” and by inserting in lieu
thereof the word “one”;
15 (ii) by inserting in the same subsection after the
words “subsequent Acts” the words “who
or”;
(iii) by omitting from the same subsection the
words “who desire” and by inserting in
20 lieu thereof the words “who desires or
desire”;
(iv) by inserting at the end of the same subsec-
tion the following paragraph:—

For the purposes of this subsection:—

- 25 (a) land held by joint owners or tenants
in common shall be deemed to be
land held by the one owner;
(b) separate parcels of land which
30 adjoin or are adjacent to one
another and are held by different
owners but—
(i) are worked by or on behalf
of or leased to a company or
partnership of which such
35 owners or any of them are
members; or
(ii) in the opinion of the Minister
after report by an advisory
board are occupied, con-
40 trolled or used substantially
in

War Service Land Settlement and Closer Settlement (Amendment).

in the interests of one of
such owners,
shall be deemed to be land held
by the one owner;

- 5 (b) by inserting next after the same subsection the following new subsection:—

10 (1A) An application under this section by one person shall not be entertained by the Minister unless he is satisfied 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;

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

20 (3) Where in any such application the number of the original applicants is more than one and such number is for any cause reduced or increased the application may with the consent of the Minister be proceeded with notwithstanding such reduction or increase in number.

- (d) by inserting in paragraph (a) of subsection one of section 9F after the word “shall” the words “where necessary.”

Sec. 9F.
(Vesting of
land in
applicant.)

- 25 (2) Sub-paragraph (iv) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

- 30 3. (1) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended—

Amendment of
Act No. 12,
1907.

- (a) by omitting from section 10A the words “twelve months” and by inserting in lieu thereof the words “six months or such further period or periods as may be approved by the Minister”;

Sec. 10A.
(Resumption
may be
discontinued
by the
Minister.)

- 35 (b) by omitting from paragraph (b) of the proviso to section twelve the word “twenty” and by inserting in lieu thereof the word “fourteen”;

Sec. 12.
(Right of
owner to
require con-
tiguous land
to be
resumed.)

- 40 (c) by omitting from subsection one of section thirteen the word “twenty” and by inserting in lieu thereof the word “fourteen.”

Sec. 13.
(Retainer by
owner of
part of land
resumed.)

(2)

War Service Land Settlement and Closer Settlement (Amendment).

(2) The amendments made by paragraphs (b) and (c) of subsection one of this section shall apply in any case where a proclamation (not being a proclamation under section five of the Closer Settlement (Amendment) Act, 1907) notifying that the Governor proposes to consider the advisableness of acquiring land for the purposes of closer settlement has been published in the Gazette before the commencement of this Act as well as in any case where such a proclamation has been so published after such commencement.

4. 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 four of section 8c the words "by the Minister";
- 15 (ii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "the Minister";
- (iii) by omitting from the same subsection the words "as may be prescribed" and by
- 20 inserting in lieu thereof the words "as he may by writing under his hand appoint";
- (iv) by inserting in subsection five of the same section after the word "declared" the words "by the Minister";

Sec. 8c. (Advances and other assistance to settlers under this Act.)

- 25 (b) by inserting next after section 8d the following new section:—

New sec. 8dd.

8dd. (1) The Minister may, in relation to any particular matter or class of matters, by writing under his hand delegate to the Rural Bank of New South Wales all or any of his powers or functions under subsections one, two, four, five, six and seven of section 8c or under subsection one of section 8d of this Act so that the delegated powers or functions may be exercised by the Rural Bank of New South Wales with respect to the matter or class of matters specified in the instrument of delegation.

Delegation of powers.

Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

Where

War Service Land Settlement and Closer Settlement (Amendment).

Where in any of the aforesaid subsections the exercise of any power or function by the Minister or the operation of any provision of any such subsection is dependent upon the opinion, belief or state of mind of the Minister in relation to any matter, that power or function may be exercised by the delegate or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(2) The provisions of section sixty-nine of the Government Savings Bank Act, 1906, as amended by subsequent Acts, shall not apply in respect of any advance made by the Minister or the Bank or in respect of any mortgage, lien or charge in favour of the Bank, in pursuance of the provisions of this section and section 8c of this Act.

(3) "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, 1912-1946.

25 **5.** (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 33, 1943.

(a) by omitting from paragraph (a) of subsection two of section nine the word "application" and by inserting in lieu thereof the words "commencement of title";

Sec. 9.
(Closer Settlement Leases.)

(b) (i) by inserting at the end of subsection one of section 9F the following new paragraph:—

Sec. 9F.
(Vesting of land in applicant.)

(e) The Minister may at any time by notification in the Gazette modify, alter or revoke any notification under paragraph (c) of this subsection;

(ii) by inserting at the end of subsection two of the same section the words "and the words 'allowance of the application' in paragraph (b)

War Service Land Settlement and Closer Settlement (Amendment).

- (b) of subsection two of section nine of this Act shall be read as 'commencement of title'";
- 5 (c) by inserting in section 10A after the word "seven" the words "or subsection one of section 9F"; Sec. 10A.
(Payment for improvements.)
- (d) by inserting next after section thirteen the following new section:— New sec.
13A.
- 10 13A. Where in pursuance of the provisions of section thirteen of this Act the holder of any settlement purchase lease or group purchase lease or closer settlement lease surrenders the whole or part thereof the land so surrendered shall thereafter be dealt with and disposed of Surrender
of leases.
- 15 under the provisions of this Act or the Closer Settlement Acts, or set apart and disposed of under section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, and in no other way.
- 20 The land shall not be open to any application until again notified for the purpose.
- (2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.
- 25 **6.** (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended— Further
amendment of
Act No. 43,
1941.
- (a) (i) by inserting in the definition of "Discharged member of the forces" in subsection one of section two after the word "discharge" where firstly occurring the words "or for any other reason has ceased to be engaged on war service"; Sec. 2.
(Defini-
tions.)
- 30 (ii) by inserting in the same definition after the word "discharge" where secondly occurring the words "or whose ceasing to be engaged on war service";
- 35 (b) (i) by inserting in paragraph (b) of subsection three of section four after the word "discharge" the words "or for any other reason has ceased to be engaged on war service"; Sec. 4.
(Classifica-
tion
Committee.)
- 40 (ii)

War Service Land Settlement and Closer Settlement (Amendment).

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

“Nothing in this paragraph shall affect the right of any person to apply for land set apart to be disposed of in accordance with section three of this Act”;

(c) by omitting section 8B and by inserting in lieu thereof the following section:—

Subst.
sec. 8B.

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas for settlement either before or after their being set apart to be disposed of in accordance with section three of this Act, or after their disposal under that section. He may also expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, either before or after the vesting of the land in the applicant under section 9F of such Act, as so amended.

Develop-
ment of
lands for
War Service
Land
Settlement.

The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds or such greater amount, as he may in special circumstances determine, in respect of any one such farm or block; and the erection may be deferred until after disposal or vesting of the land, as the case may be.

Provided that where the improvements are effected or the dwelling erected after disposal or vesting of the land, as the case may be, 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 improvements had been effected or dwelling erected prior to disposal or vesting; 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

War Service Land Settlement and Closer Settlement (Amendment).

the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or erection of the dwelling, as the case may be, were completed.

5 "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, 1912-1946.

10 (d) by inserting next after section 8^E the following new section:— New sec. 8^F.

15 8^F. An application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1947, by a member of the forces or discharged member of the forces or other eligible person for any area of land set apart under section three of this Act, may, with the permission of the Minister, or in the case of land within an irrigation area, of the Water Conservation and Irrigation Commission, be withdrawn before or after the confirmation, granting or allowance thereof. Withdrawal of applications. cf. Act No. 21, 1916, s. 13.

20 Provided that any such withdrawal shall not be permitted unless applied for before the expiration of twelve months, or in the case of land within an irrigation area before the expiration of three months, after the confirmation or granting or allowance of the application.

30 Where an application has been withdrawn pursuant to this section the Minister or the Water Conservation and Irrigation Commission, as the case may be, may grant a refund of the whole or part of the moneys paid by the applicant in connection with such land.

35 (2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

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.

F. B. LANGLEY,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 19 March, 1947.

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

Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, March, 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. , 1947.

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 reduce the value of land which an owner may retain upon resumption for closer settlement; to reduce the maximum period during which an owner may remain in occupation following resumption of his property; for these and other purposes to amend the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith.

War Service Land Settlement and Closer Settlement (Amendment).

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

1. This Act may be cited as the “War Service Land Settlement and Closer Settlement (Amendment) Act, 1947.” Short title.

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

- (a) (i) by omitting from subsection one of section 9A the word “three” and by inserting in lieu thereof the word “one”; Sec. 9A. (Applications to Minister to acquire private lands.)
- 15 (ii) by inserting in the same subsection after the words “subsequent Acts” the words “who or”;
- (iii) by omitting from the same subsection the words “who desire” and by inserting in
20 lieu thereof the words “who desires or desire”;
- (iv) by inserting at the end of the same subsection the following paragraph:—
For the purposes of this subsection:—
- 25 (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
- (b) separate parcels of land which
30 adjoin or are adjacent to one another and are held by different owners but—
- (i) are worked by or on behalf of or leased to a company or partnership of which such
35 owners or any of them are members; or
- (ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially
40 in

War Service Land Settlement and Closer Settlement (Amendment).

in the interests of one of
such owners,
shall be deemed to be land held
by the one owner;

- 5 (b) by inserting next after the same subsection the following new subsection:—

10 (1A) An application under this section by one person shall not be entertained by the Minister unless he is satisfied 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;

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

20 (3) Where in any such application the number of the original applicants is more than one and such number is for any cause reduced or increased the application may with the consent of the Minister be proceeded with notwithstanding such reduction or increase in number.

- (d) by inserting in paragraph (a) of subsection one of section 9F after the word "shall" the words "where necessary."

Sec. 9F.
(Vesting of
land in
applicant.)

- 25 (2) Sub-paragraph (iv) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

- 30 **3. (1) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended—**

Amendment of
Act No. 12,
1907.

- (a) by omitting from section 10A the words "twelve months" and by inserting in lieu thereof the words "six months or such further period or periods as may be approved by the Minister";

Sec. 10A.
(Resumption
may be
discontinued
by the
Minister.)

- 35 (b) by omitting from paragraph (b) of the proviso to section twelve the word "twenty" and by inserting in lieu thereof the word "fourteen";

Sec. 12.
(Right of
owner to
require con-
tiguous land
to be
resumed.)

- 40 (c) by omitting from subsection one of section thirteen the word "twenty" and by inserting in lieu thereof the word "fourteen."

Sec. 13.
(Retainer by
owner of
part of land
resumed.)

(2)

War Service Land Settlement and Closer Settlement (Amendment).

(2) The amendments made by paragraphs (b) and (c) of subsection one of this section shall apply in any case where a proclamation (not being a proclamation under section five of the Closer Settlement (Amendment) Act, 1907) notifying that the Governor proposes to consider the advisableness of acquiring land for the purposes of closer settlement has been published in the Gazette before the commencement of this Act as well as in any case where such a proclamation has been so published after such commencement.

4. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—

- (a) (i) by omitting from subsection four of section 8c the words “by the Minister”;
- 15 (ii) by omitting from the same subsection the word “him” and by inserting in lieu thereof the words “the Minister”;
- (iii) by omitting from the same subsection the words “as may be prescribed” and by
- 20 inserting in lieu thereof the words “as he may by writing under his hand appoint”;
- (iv) by inserting in subsection five of the same section after the word “declared” the words “by the Minister”;
- 25 (b) by inserting next after section 8d the following new section:—

Amendment of Act No. 43, 1941.

Sec. 8c.
(Advances and other assistance to settlers under this Act.)

New sec. 8dd.

8dd. (1) The Minister may, in relation to any particular matter or class of matters, by writing under his hand delegate to the Rural Bank of New South Wales all or any of his powers or functions under subsections one, two, four, five, six and seven of section 8c or under subsection one of section 8d of this Act so that the delegated powers or functions may be exercised by the Rural Bank of New South Wales with respect to the matter or class of matters specified in the instrument of delegation.

Delegation of powers.

Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

Where

War Service Land Settlement and Closer Settlement (Amendment).

Where in any of the aforesaid subsections the exercise of any power or function by the Minister or the operation of any provision of any such subsection is dependent upon the opinion, belief or state of mind of the Minister in relation to any matter, that power or function may be exercised by the delegate or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(2) The provisions of section sixty-nine of the Government Savings Bank Act, 1906, as amended by subsequent Acts, shall not apply in respect of any advance made by the Minister or the Bank or in respect of any mortgage, lien or charge in favour of the Bank, in pursuance of the provisions of this section and section 8c of this Act.

(3) "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, 1912-1946.

25 **5.** (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 paragraph (a) of subsection two of section nine the word "application" and by inserting in lieu thereof the words "commencement of title";

Sec. 9. (Closer Settlement Leases.)

(b) (i) by inserting at the end of subsection one of section 9F the following new paragraph:—

Sec. 9F. (Vesting of land in applicant.)

(e) The Minister may at any time by notification in the Gazette modify, alter or revoke any notification under paragraph (c) of this subsection;

(ii) by inserting at the end of subsection two of the same section the words "and the words 'allowance of the application' in paragraph

(b)

War Service Land Settlement and Closer Settlement (Amendment).

(b) of subsection two of section nine of this Act shall be read as 'commencement of title'";

5 (c) by inserting in section 10A after the word "seven" the words "or subsection one of section 9F"; Sec. 10A.
(Payment for improvement.)

(d) by inserting next after section thirteen the following new section:— New sec.
13A.

10 13A. Where in pursuance of the provisions of section thirteen of this Act the holder of any settlement purchase lease or group purchase lease or closer settlement lease surrenders the whole or part thereof the land so surrendered shall thereafter be dealt with and disposed of Surrender
of leases.

15 under the provisions of this Act or the Closer Settlement Acts, or set apart and disposed of under section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, and in no other way.

20 The land shall not be open to any application until again notified for the purpose.

(2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

25 **6.** (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended— Further
amendment of
Act No. 48,
1941.

(a) (i) by inserting in the definition of "Discharged member of the forces" in subsection one of section two after the word "discharge" where firstly occurring the words "or for any other reason has ceased to be engaged on war service"; Sec. 2.
(Defini-
tions.)

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(ii) by inserting in the same definition after the word "discharge" where secondly occurring the words "or whose ceasing to be engaged on war service";

35

(b) (i) by inserting in paragraph (b) of subsection three of section four after the word "discharge" the words "or for any other reason has ceased to be engaged on war service"; Sec. 4.
(Classifica-
tion
Committee.)

40

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

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

“Nothing in this paragraph shall affect the right of any person to apply for land set apart to be disposed of in accordance with section three of this Act”;

(c) by omitting section 8B and by inserting in lieu thereof the following section:—

Subst.
sec. 8B.

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas for settlement either before or after their being set apart to be disposed of in accordance with section three of this Act, or after their disposal under that section. He may also expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, either before or after the vesting of the land in the applicant under section 9F of such Act, as so amended.

Develop-
ment of
lands for
War Service
Land
Settlement.

The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds or such greater amount, as he may in special circumstances determine, in respect of any one such farm or block; and the erection may be deferred until after disposal or vesting of the land, as the case may be.

Provided that where the improvements are effected or the dwelling erected after disposal or vesting of the land, as the case may be, 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 improvements had been effected or dwelling erected prior to disposal or vesting; 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

War Service Land Settlement and Closer Settlement (Amendment).

the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or erection of the dwelling, as the case may be, were completed.

5 “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, 1912-1946.

10 (d) by inserting next after section 8E the following new section:—

15 8F. An application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1947, by a member of the forces or discharged member of the forces or other eligible person for any area of land set apart under section three of this Act, may, with the permission of the Minister, or in the case of land within an irrigation area, of the Water Conservation and Irrigation Commission, be withdrawn before or after the confirmation, granting or allowance thereof.

25 Provided that any such withdrawal shall not be permitted unless applied for before the expiration of twelve months, or in the case of land within an irrigation area before the expiration of three months, after the confirmation or granting or allowance of the application.

30 Where an application has been withdrawn pursuant to this section the Minister or the Water Conservation and Irrigation Commission, as the case may be, may grant a refund of the whole or part of the moneys paid by the applicant in connection with such land.

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New
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With-
drawal
of applica-
tions.
cf. Act No.
21, 1916,
s. 13.

No. , 1947.

A BILL

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 reduce the value of land which an owner may retain upon resumption for closer settlement; to reduce the maximum period during which an owner may remain in occupation following resumption of his property; for these and other purposes to amend the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith.

[CAPTAIN DUNN;—5 *March*, 1947.]

War Service Land Settlement and Closer Settlement (Amendment).

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lative Council and Legislative Assembly of New South
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1. This Act may be cited as the “War Service Land Settlement and Closer Settlement (Amendment) Act, 1947.” Short title.

2. (1) 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 subsection one of section 9A the word “three” and by inserting in lieu thereof the word “one”; Sec. 9A. (Applications to Minister to acquire private lands.)
- 15 (ii) by inserting in the same subsection after the words “subsequent Acts” the words “who or”;
- (iii) by omitting from the same subsection the words “who desire” and by inserting in lieu thereof the words “who desires or desire”; 20
- (iv) by inserting at the end of the same subsection the following paragraph:—
- For the purposes of this subsection:—
- 25 (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
- (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—
- 30 (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
- 35 (ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially
- 40 in

War Service Land Settlement and Closer Settlement (Amendment).

in the interests of one of
such owners,
shall be deemed to be land held
by the one owner;

5 (b) by inserting next after the same subsection the
following new subsection:—

10 (1A) An application under this section by one
person shall not be entertained by the Minister
unless he is satisfied 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;

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

15 (3) Where in any such application the number
of the original applicants is more than one and
such number is for any cause reduced or
increased the application may with the consent
20 of the Minister be proceeded with notwithstand-
ing such reduction or increase in number.

(d) by inserting in paragraph (a) of subsection
one of section 9f after the word “shall” the
words “where necessary.”

Sec. 9f.
(Vesting of
land in
applicant.)

25 (2) Sub-paragraph (iv) of paragraph (a) of sub-
section one of this section shall be deemed to have com-
menced on the seventeenth day of January, one
thousand nine hundred and forty-six.

30 **3.** (1) The Closer Settlement (Amendment) Act,
1907, as amended by subsequent Acts, is amended—

Amendment of
Act No. 12,
1907.

(a) by omitting from section 10A the words “twelve
months” and by inserting in lieu thereof the
words “six months”;

Sec. 10A.
(Resumption
may be
discontinued
by the
Minister.)

35 (b) by omitting from paragraph (b) of the proviso
to section twelve the word “twenty” and by
inserting in lieu thereof the word “fourteen”;

Sec. 12.
(Right of
owner to
require con-
tiguous land
to be
resumed.)

(c) by omitting from subsection one of section thir-
teen the word “twenty” and by inserting in lieu
thereof the word “fourteen.”

Sec. 13.
(Retainer by
owner of
part of land
resumed.)

War Service Land Settlement and Closer Settlement (Amendment).

(2) The amendments made by paragraphs (b) and (c) of subsection one of this section shall apply in any case where a proclamation (not being a proclamation under section five of the Closer Settlement (Amendment) Act, 1907) notifying that the Governor proposes to consider the advisableness of acquiring land for the purposes of closer settlement has been published in the Gazette before the commencement of this Act as well as in any case where such a proclamation has been so published after such commencement.

4. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—

- (a) (i) by omitting from subsection four of section 8c the words “by the Minister”;
- 15 (ii) by omitting from the same subsection the word “him” and by inserting in lieu thereof the words “the Minister”;
- (iii) by omitting from the same subsection the words “as may be prescribed” and by
- 20 inserting in lieu thereof the words “as he may by writing under his hand appoint”;
- (iv) by inserting in subsection five of the same section after the word “declared” the words “by the Minister”;
- 25 (b) by inserting next after section 8d the following new section:—

Amendment of Act No. 43, 1941.

Sec. 8c.
(Advances and other assistance to settlers under this Act.)

New sec. 8dd.

Delegation of powers.

8dd. (1) The Minister may, in relation to any particular matter or class of matters, by writing under his hand delegate to the Rural Bank of New South Wales all or any of his powers or functions under subsections one, two, four, five, six and seven of section 8c or under subsection one of section 8d of this Act so that the delegated powers or functions may be exercised by the Rural Bank of New South Wales with respect to the matter or class of matters specified in the instrument of delegation.

Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

40 Where

War Service Land Settlement and Closer Settlement (Amendment).

5 Where in any of the aforesaid subsections the
exercise of any power or function by the
Minister or the operation of any provision of
any such subsection is dependent upon the
opinion, belief or state of mind of the Minister
in relation to any matter, that power or function
may be exercised by the delegate or that pro-
vision may operate, as the case may be, upon
the opinion, belief or state of mind of the
delegate in relation to that matter.

10 (2) The provisions of section sixty-nine
of the Government Savings Bank Act, 1906, as
amended by subsequent Acts, shall not apply in
respect of any advance made by the Minister
or the Bank or in respect of any mortgage, lien
or charge in favour of the Bank, in pursuance of
the provisions of this section and section 8c of
this Act.

20 (3) "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, 1912-1946.

25 **5.** (1) The Closer Settlement Amendment (Conver-
sion) Act, 1943, as amended by subsequent Acts, is
further amended—

Further
amendment of
Act No. 38,
1943.

30 (a) by omitting from paragraph (a) of subsection
two of section nine the word "application" and
by inserting in lieu thereof the words
"commencement of title";

Sec. 9.
(Closer
Settlement
Leases.)

(b) (i) by inserting at the end of subsection one
of section 9F the following new paragraph:—

Sec. 9F.
(Vesting of
land in
applicant.)

35 (e) The Minister may at any time by
notification in the Gazette modify,
alter or revoke any notification
under paragraph (c) of this sub-
section;

40 (ii) by inserting at the end of subsection two of
the same section the words "and the words
'allowance of the application' in paragraph
(b)

War Service Land Settlement and Closer Settlement (Amendment).

- (b) of subsection two of section nine of this Act shall be read as 'commencement of title'";
- 5 (c) by inserting in section 10A after the word "seven" the words "or subsection one of section 9F"; Sec. 10A.
(Payment for improvements.)
- (d) by inserting next after section thirteen the following new section:— New sec.
13A.
- 10 13A. Where in pursuance of the provisions of section thirteen of this Act the holder of any settlement purchase lease or group purchase lease or closer settlement lease surrenders the whole or part thereof the land so surrendered shall thereafter be dealt with and disposed of Surrender
of leases.
- 15 under the provisions of this Act or the Closer Settlement Acts, or set apart and disposed of under section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, and in no other way.
- 20 The land shall not be open to any application until again notified for the purpose.
- (2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.
- 25 **6.** (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended— Further
amendment of
Act No. 43,
1941.
- (a) (i) by inserting in the definition of "Discharged member of the forces" in subsection one of section two after the word "discharge" Sec. 2.
(Defini-
tions.)
- 30 where firstly occurring the words "or for any other reason has ceased to be engaged on war service";
- (ii) by inserting in the same definition after the word "discharge" where secondly occurring Sec. 4.
(Classifica-
tion
Committee.)
- 35 the words "or whose ceasing to be engaged on war service";
- (b) (i) by inserting in paragraph (b) of subsection three of section four after the word "discharge" the words "or for any other reason has ceased to be engaged on war service";
- 40 (ii)

War Service Land Settlement and Closer Settlement (Amendment).

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

5 “Nothing in this paragraph shall affect the right of any person to apply for land set apart to be disposed of in accordance with section three of this Act”;

(c) by omitting section 8B and by inserting in lieu thereof the following section:—

10 8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas for settlement either before or after their being set apart to be disposed of in accordance with section three of this Act, or
15 after their disposal under that section. He may also expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts,
20 either before or after the vesting of the land in the applicant under section 9F of such Act, as so amended.

The amount which he may expend upon the erection of a dwelling shall not exceed seven
25 hundred and fifty pounds or such greater amount, as he may in special circumstances determine, in respect of any one such farm or block; and the erection may be deferred until after disposal or vesting of the land, as the case
30 may be.

Provided that where the improvements are effected or the dwelling erected after disposal or vesting of the land, as the case may be, the holder shall become liable to the Crown for all
35 payments in respect thereof, and in like manner, as he would have been required by law to make if such improvements had been effected or dwelling erected prior to disposal or vesting; but the first of such payments shall not become
40 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

Subst.
sec. 8B.

Develop-
ment of
lands for
War Service
Land
Settlement.

War Service Land Settlement and Closer Settlement (Amendment).

the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or erection of the dwelling, as the case may be, were completed.

5 "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, 1912-1946.

(2) Subsection one of this section shall be deemed
10 to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

* * * * *

Act No. 15, 1947.

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 reduce the value of land which an owner may retain upon resumption for closer settlement; to reduce the maximum period during which an owner may remain in occupation following resumption of his property; for these and other purposes to amend the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 28th March, 1947.]

War Service Land Settlement and Closer Settlement (Amendment).

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

Short
title.

1. This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1947."

Amendment
of Act No.
38, 1943.

2. (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended—

Sec. 9A.
(Applica-
tions to
Minister to
acquire
private
lands.)

- (a) (i) by omitting from subsection one of section 9A the word "three" and by inserting in lieu thereof the word "one";
- (ii) by inserting in the same subsection after the words "subsequent Acts" the words "who or";
- (iii) by omitting from the same subsection the words "who desire" and by inserting in lieu thereof the words "who desires or desire";
- (iv) by inserting at the end of the same subsection the following paragraph:—

For the purposes of this subsection:—

- (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
- (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—
 - (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
 - (ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially

in

War Service Land Settlement and Closer Settlement (Amendment).

in the interests of one of
such owners,
shall be deemed to be land held
by the one owner;

- (b) by inserting next after the same subsection the following new subsection:—

(1A) An application under this section by one person shall not be entertained by the Minister unless he is satisfied 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;

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

(3) Where in any such application the number of the original applicants is more than one and such number is for any cause reduced or increased the application may with the consent of the Minister be proceeded with notwithstanding such reduction or increase in number.

- (d) by inserting in paragraph (a) of subsection one of section 9F after the word “shall” the words “where necessary.”

Sec. 9F.
(Vesting of
land in
applicant.)

(2) Sub-paragraph (iv) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

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

Amendment of
Act No. 12,
1907.

- (a) by omitting from section 10A the words “twelve months” and by inserting in lieu thereof the words “six months or such further period or periods as may be approved by the Minister”;
- (b) by omitting from paragraph (b) of the proviso to section twelve the word “twenty” and by inserting in lieu thereof the word “fourteen”;
- (c) by omitting from subsection one of section thirteen the word “twenty” and by inserting in lieu thereof the word “fourteen.”

Sec. 10A.
(Resumption
may be
discontinued
by the
Minister.)

Sec. 12.
(Right of
owner to
require con-
tiguous land
to be
resumed.)

Sec. 13.
(Retainer by
owner of
part of land
resumed.)

(2)

War Service Land Settlement and Closer Settlement (Amendment).

(2) The amendments made by paragraphs (b) and (c) of subsection one of this section shall apply in any case where a proclamation (not being a proclamation under section five of the Closer Settlement (Amendment) Act, 1907) notifying that the Governor proposes to consider the advisableness of acquiring land for the purposes of closer settlement has been published in the Gazette before the commencement of this Act as well as in any case where such a proclamation has been so published after such commencement.

Amendment of
Act No. 43,
1941.

4. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—

Sec. 8c.
(Advances
and other
assistance
to settlers
under this
Act.)

- (a) (i) by omitting from subsection four of section 8c the words “by the Minister”;
- (ii) by omitting from the same subsection the word “him” and by inserting in lieu thereof the words “the Minister”;
- (iii) by omitting from the same subsection the words “as may be prescribed” and by inserting in lieu thereof the words “as he may by writing under his hand appoint”;
- (iv) by inserting in subsection five of the same section after the word “declared” the words “by the Minister”;

New sec.
8DD.

- (b) by inserting next after section 8D the following new section:—

Delegation
of powers.

8DD. (1) The Minister may, in relation to any particular matter or class of matters, by writing under his hand delegate to the Rural Bank of New South Wales all or any of his powers or functions under subsections one, two, four, five, six and seven of section 8c or under subsection one of section 8D of this Act so that the delegated powers or functions may be exercised by the Rural Bank of New South Wales with respect to the matter or class of matters specified in the instrument of delegation.

Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister. Where

War Service Land Settlement and Closer Settlement (Amendment).

Where in any of the aforesaid subsections the exercise of any power or function by the Minister or the operation of any provision of any such subsection is dependent upon the opinion, belief or state of mind of the Minister in relation to any matter, that power or function may be exercised by the delegate or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(2) The provisions of section sixty-nine of the Government Savings Bank Act, 1906, as amended by subsequent Acts, shall not apply in respect of any advance made by the Minister or the Bank or in respect of any mortgage, lien or charge in favour of the Bank, in pursuance of the provisions of this section and section 8c of this Act.

(3) "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, 1912-1946.

5. (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 paragraph (a) of subsection two of section nine the word "application" and by inserting in lieu thereof the words "commencement of title";

Sec. 9.
(Closer Settlement Leases.)

(b) (i) by inserting at the end of subsection one of section 9F the following new paragraph:—

Sec. 9F.
(Vesting of land in applicant.)

(e) The Minister may at any time by notification in the Gazette modify, alter or revoke any notification under paragraph (c) of this subsection;

(ii) by inserting at the end of subsection two of the same section the words "and the words 'allowance of the application' in paragraph

(b)

War Service Land Settlement and Closer Settlement (Amendment).

Sec. 10A.
(Payment for
improvements.)

- (b) of subsection two of section nine of this Act shall be read as ‘commencement of title’ ”;
- (c) by inserting in section 10A after the word “seven” the words “or subsection one of section 9F”;

New sec.
13A.

- (d) by inserting next after section thirteen the following new section:—

Surrender
of leases.

13A. Where in pursuance of the provisions of section thirteen of this Act the holder of any settlement purchase lease or group purchase lease or closer settlement lease surrenders the whole or part thereof the land so surrendered shall thereafter be dealt with and disposed of under the provisions of this Act or the Closer Settlement Acts, or set apart and disposed of under section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, and in no other way.

The land shall not be open to any application until again notified for the purpose.

(2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

Further
amendment of
Act No. 43,
1941.

6. (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended—

Sec. 2.
(Defini-
tions.)

- (a) (i) by inserting in the definition of “Discharged member of the forces” in subsection one of section two after the word “discharge” where firstly occurring the words “or for any other reason has ceased to be engaged on war service”;
- (ii) by inserting in the same definition after the word “discharge” where secondly occurring the words “or whose ceasing to be engaged on war service”;

Sec. 4.
(Classifica-
tion
Committee.)

- (b) (i) by inserting in paragraph (b) of subsection three of section four after the word “discharge” the words “or for any other reason has ceased to be engaged on war service”;
- (ii)

War Service Land Settlement and Closer Settlement (Amendment).

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

“Nothing in this paragraph shall affect the right of any person to apply for land set apart to be disposed of in accordance with section three of this Act”;

(c) by omitting section 8B and by inserting in lieu thereof the following section:—

Subst.
sec. 8B.

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas for settlement either before or after their being set apart to be disposed of in accordance with section three of this Act, or after their disposal under that section. He may also expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, either before or after the vesting of the land in the applicant under section 9F of such Act, as so amended.

Develop-
ment of
lands for
War Service
Land
Settlement.

The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds or such greater amount, as he may in special circumstances determine, in respect of any one such farm or block; and the erection may be deferred until after disposal or vesting of the land, as the case may be.

Provided that where the improvements are effected or the dwelling erected after disposal or vesting of the land, as the case may be, 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 improvements had been effected or dwelling erected prior to disposal or vesting; 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

War Service Land Settlement and Closer Settlement (Amendment).

the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or erection of the dwelling, as the case may be, were 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, 1912-1946.

New
sec. 8F.

- (d) by inserting next after section 8E the following new section:—

With-
drawal
of applica-
tions.
cf. Act No.
21, 1916,
s. 13.

8F. An application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1947, by a member of the forces or discharged member of the forces or other eligible person for any area of land set apart under section three of this Act, may, with the permission of the Minister, or in the case of land within an irrigation area, of the Water Conservation and Irrigation Commission, be withdrawn before or after the confirmation, granting or allowance thereof.

Provided that any such withdrawal shall not be permitted unless applied for before the expiration of twelve months, or in the case of land within an irrigation area before the expiration of three months, after the confirmation or granting or allowance of the application.

Where an application has been withdrawn pursuant to this section the Minister or the Water Conservation and Irrigation Commission, as the case may be, may grant a refund of the whole or part of the moneys paid by the applicant in connection with such land.

- (2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

By Authority:

THOMAS HENRY TENNANT, Government Printer, Sydney, 1947,

[3d.]

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

F. B. LANGLEY,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 27 March, 1947.

New South Wales.



ANNO UNDECIMO

GEORGII VI REGIS.

Act No. 15, 1947.

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 reduce the value of land which an owner may retain upon resumption for closer settlement; to reduce the maximum period during which an owner may remain in occupation following resumption of his property; for these and other purposes to amend the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 28th March, 1947.]

BE

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

War Service Land Settlement and Closer Settlement (Amendment).

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

Short
title.

1. This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1947."

Amendment
of Act No.
38, 1943.

2. (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended—

Sec. 9A.
(Applica-
tions to
Minister to
acquire
private
lands.)

- (a) (i) by omitting from subsection one of section 9A the word "three" and by inserting in lieu thereof the word "one";
- (ii) by inserting in the same subsection after the words "subsequent Acts" the words "who or";
- (iii) by omitting from the same subsection the words "who desire" and by inserting in lieu thereof the words "who desires or desire";
- (iv) by inserting at the end of the same subsection the following paragraph:—

For the purposes of this subsection:—

- (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
- (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—
 - (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
 - (ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially
in

War Service Land Settlement and Closer Settlement (Amendment).

in the interests of one of
such owners,
shall be deemed to be land held
by the one owner;

- (b) by inserting next after the same subsection the following new subsection:—

(1A) An application under this section by one person shall not be entertained by the Minister unless he is satisfied 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;

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

(3) Where in any such application the number of the original applicants is more than one and such number is for any cause reduced or increased the application may with the consent of the Minister be proceeded with notwithstanding such reduction or increase in number.

- (d) by inserting in paragraph (a) of subsection one of section 9F after the word “shall” the words “where necessary.”

Sec. 9F.
(Vesting of
land in
applicant.)

(2) Sub-paragraph (iv) of paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

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

Amendment of
Act No. 12,
1907.

- (a) by omitting from section 10A the words “twelve months” and by inserting in lieu thereof the words “six months or such further period or periods as may be approved by the Minister”;

Sec. 10A.
(Resumption
may be
discontinued
by the
Minister.)

- (b) by omitting from paragraph (b) of the proviso to section twelve the word “twenty” and by inserting in lieu thereof the word “fourteen”;

Sec. 12.
(Right of
owner to
require con-
tiguous land
to be
resumed.)

- (c) by omitting from subsection one of section thirteen the word “twenty” and by inserting in lieu thereof the word “fourteen.”

Sec. 13.
(Retainer by
owner of
part of land
resumed.)

(2)

War Service Land Settlement and Closer Settlement (Amendment).

(2) The amendments made by paragraphs (b) and (c) of subsection one of this section shall apply in any case where a proclamation (not being a proclamation under section five of the Closer Settlement (Amendment) Act, 1907) notifying that the Governor proposes to consider the advisableness of acquiring land for the purposes of closer settlement has been published in the Gazette before the commencement of this Act as well as in any case where such a proclamation has been so published after such commencement.

Amendment of
Act No. 43,
1941.

4. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—

Sec. 8c.
(Advances
and other
assistance
to settlers
under this
Act.)

- (a) (i) by omitting from subsection four of section 8c the words "by the Minister";
- (ii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "the Minister";
- (iii) by omitting from the same subsection the words "as may be prescribed" and by inserting in lieu thereof the words "as he may by writing under his hand appoint";
- (iv) by inserting in subsection five of the same section after the word "declared" the words "by the Minister";

New sec.
8DD.

- (b) by inserting next after section 8D the following new section:—

Delegation
of powers.

8DD. (1) The Minister may, in relation to any particular matter or class of matters, by writing under his hand delegate to the Rural Bank of New South Wales all or any of his powers or functions under subsections one, two, four, five, six and seven of section 8c or under subsection one of section 8D of this Act so that the delegated powers or functions may be exercised by the Rural Bank of New South Wales with respect to the matter or class of matters specified in the instrument of delegation.

Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister.

Where

War Service Land Settlement and Closer Settlement (Amendment).

Where in any of the aforesaid subsections the exercise of any power or function by the Minister or the operation of any provision of any such subsection is dependent upon the opinion, belief or state of mind of the Minister in relation to any matter, that power or function may be exercised by the delegate or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(2) The provisions of section sixty-nine of the Government Savings Bank Act, 1906, as amended by subsequent Acts, shall not apply in respect of any advance made by the Minister or the Bank or in respect of any mortgage, lien or charge in favour of the Bank, in pursuance of the provisions of this section and section 8c of this Act.

(3) "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, 1912-1946.

5. (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 33, 1943.

- (a) by omitting from paragraph (a) of subsection two of section nine the word "application" and by inserting in lieu thereof the words "commencement of title"; Sec. 9. (Closer Settlement Leases.)
- (b) (i) by inserting at the end of subsection one of section 9F the following new paragraph:— Sec. 9F. (Vesting of land in applicant.)
 - (e) The Minister may at any time by notification in the Gazette modify, alter or revoke any notification under paragraph (c) of this subsection;
- (ii) by inserting at the end of subsection two of the same section the words "and the words 'allowance of the application' in paragraph (b)

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(b) of subsection two of section nine of this Act shall be read as 'commencement of title'";

Sec. 10A.
(Payment for
improvements.)

(c) by inserting in section 10A after the word "seven" the words "or subsection one of section 9F";

New sec.
13A.

(d) by inserting next after section thirteen the following new section:—

Surrender
of leases.

13A. Where in pursuance of the provisions of section thirteen of this Act the holder of any settlement purchase lease or group purchase lease or closer settlement lease surrenders the whole or part thereof the land so surrendered shall thereafter be dealt with and disposed of under the provisions of this Act or the Closer Settlement Acts, or set apart and disposed of under section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, and in no other way.

The land shall not be open to any application until again notified for the purpose.

(2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

Further
amendment of
Act No. 43,
1941.

6. (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended—

Sec. 2.
(Defini-
tions.)

(a) (i) by inserting in the definition of "Discharged member of the forces" in subsection one of section two after the word "discharge" where firstly occurring the words "or for any other reason has ceased to be engaged on war service";

(ii) by inserting in the same definition after the word "discharge" where secondly occurring the words "or whose ceasing to be engaged on war service";

Sec. 4.
(Classifica-
tion
Committee.)

(b) (i) by inserting in paragraph (b) of subsection three of section four after the word "discharge" the words "or for any other reason has ceased to be engaged on war service";
(ii)

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

“Nothing in this paragraph shall affect the right of any person to apply for land set apart to be disposed of in accordance with section three of this Act”;

(c) by omitting section 8B and by inserting in lieu thereof the following section:—

Subst.
sec. 8B.

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas for settlement either before or after their being set apart to be disposed of in accordance with section three of this Act, or after their disposal under that section. He may also expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, either before or after the vesting of the land in the applicant under section 9F of such Act, as so amended.

Develop-
ment of
lands for
War Service
Land
Settlement.

The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds or such greater amount, as he may in special circumstances determine, in respect of any one such farm or block; and the erection may be deferred until after disposal or vesting of the land, as the case may be.

Provided that where the improvements are effected or the dwelling erected after disposal or vesting of the land, as the case may be, 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 improvements had been effected or dwelling erected prior to disposal or vesting; 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

War Service Land Settlement and Closer Settlement (Amendment).

the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or erection of the dwelling, as the case may be, were 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, 1912-1946.

New
sec. 8F.

- (d) by inserting next after section 8E the following new section:—

With-
drawal
of applica-
tions.
cf. Act No.
21, 1916,
s. 13.

8F. An application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1947, by a member of the forces or discharged member of the forces or other eligible person for any area of land set apart under section three of this Act, may, with the permission of the Minister, or in the case of land within an irrigation area, of the Water Conservation and Irrigation Commission, be withdrawn before or after the confirmation, granting or allowance thereof.

Provided that any such withdrawal shall not be permitted unless applied for before the expiration of twelve months, or in the case of land within an irrigation area before the expiration of three months, after the confirmation or granting or allowance of the application.

Where an application has been withdrawn pursuant to this section the Minister or the Water Conservation and Irrigation Commission, as the case may be, may grant a refund of the whole or part of the moneys paid by the applicant in connection with such land.

- (2) Subsection one of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

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

NORTHCOTT,
Governor.

Government House,
Sydney, 28th March, 1947.