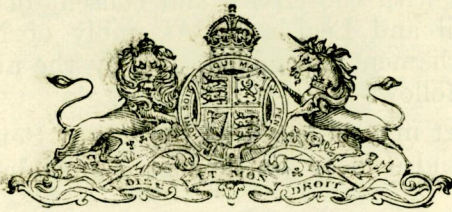


New South Wales.



ANNO TERTIO DECIMO

GEORGII VI REGIS.

Act No. 48, 1948.

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 constitute and define the powers of war service land settlement boards; to make further provision for the acquisition of land for the purposes of war service land settlement and the price which may be paid for such land; to make special provision in relation to a closer settlement lease of portion 179, Parish of Bilda, County of Clarendon; to validate certain

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certain matters; 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, 24th December, 1948.]

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, 1948."

Amendment
of Act No.
43, 1941.

2. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended by inserting next after section two the following new section:—

New sec.
2A.
War Service
Land Settle-
ment
Boards.

2A. (1) The Governor may, from time to time, constitute one or more war service land settlement boards and dissolve and reconstitute any such board.

Each such board shall consist of three members appointed by the Governor.

Of the members so appointed—

- (a) one shall be an officer of the Department of Lands who is a discharged member of the forces or discharged soldier. Such member shall be the chairman of the board to which he is appointed;
- (b) one shall be appointed on the nomination of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch);

(c)

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(c) one shall be appointed on the nomination of the Australian Legion of Ex-Servicemen and Women, New South Wales State Branch.

(2) (a) In the case of the illness or absence of any member of a war service land settlement board, the Minister may appoint a deputy to act in the place of such member during his illness or absence, or may direct a member of any other war service land settlement board to so act.

(b) Any deputy appointed or any member directed to act as aforesaid, while acting during the illness or absence of a member, may exercise all the powers and functions of the member in whose place he acts.

(3) Such war service land settlement board as the Minister may direct, either generally or in any particular matter, or the chairman thereof, shall in respect of—

(a) applications for land set apart under section three or section 3A of this Act, other than land in the Western Division,

(b) such matters as may be prescribed,

exercise within any land district all the powers and functions which, immediately before the date upon which any such direction takes effect, the appropriate local land board or chairman thereof exercised under this or any other Act or regulations thereunder.

Any direction given under this subsection—

(i) shall take effect from the date thereof or such later date as the Minister may specify therein;

(ii) may make such provision, as the Minister may deem necessary, in respect of matters, the subject of any such direction, pending or uncompleted before the local land board or chairman.

(4) Representations of any party (other than the Crown) before a war service land settlement board shall not be otherwise than by the party in person.

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(5) Subject to this section the provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and regulations thereunder relating to a local land board, or the chairman of a local land board, or the members of a local land board, or any decision or recommendation of any such board, chairman or members, shall apply, mutatis mutandis, to a war service land settlement board, or the chairman of a war service land settlement board, or the members of a war service land settlement board or any decision or recommendation of any such board, chairman or members, respectively.

Amendment
of Act No.
37, 1904.

Sec. 4.
(Defini-
tions.)

3. (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is amended—

(a) (i) by inserting in section four at the end of the definition of "Owner" the words "or, where the land to be acquired is a tenure less than the fee-simple without the right to obtain the fee-simple, the holder of the land to be acquired";

(ii) by omitting from the same section the definition of "Private land";

Part I.
(Heading.)

(b) by omitting from the heading to Part I the word "Private";

Sec. 8.
(Contract may
be made.)

(c) by omitting from section eight the word "private";

Sec. 9.
(Deduc-
tions.)

(d) by omitting from section nine the words "Conditional leases under the Crown Lands Acts shall be treated as incomplete conditional purchases";

Part II.
(Heading.)

(e) by omitting from the heading to Part II the word "Private".

Amendment of
Act No. 44,
1906.

Sec. 3.
(On vesting of
land, lessees
of then owner
to become
tenants of
Minister.)

(2) The Closer Settlement (Amendment) Act, 1906, as amended by subsequent Acts, is amended by omitting from subsection one of section three the word "private".

War Service Land Settlement and Closer Settlement (Amendment).

(3) The Closer Settlement (Amendment) Act, 1912, as amended by subsequent Acts, is amended—

- (a) by omitting from section 4A the word “private” wherever occurring and by inserting in lieu thereof the word “other”;
- (b) by omitting from section five the word “private” wherever occurring and by inserting in lieu thereof the word “other”.

(4) The Closer Settlement (Amendment) Act, 1918, as amended by subsequent Acts, is amended—

- (a) by omitting from the short heading to section nine the word “private”;
- (b) by omitting from subsection one of section nine the word “private”.

(5) The Closer Settlement (Amendment) Act, 1919, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection one of section two the word “private”;
- (b) by omitting from subsection one of section ten the word “freehold”.

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

- (a) by omitting from subsection one of section 9A the word “private”;
- (b) by inserting at the end of section 9D the words “or he may at his discretion refuse the application: Provided that the Minister shall not so approve in respect of any such lands which are—

- (i) within a reserve from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts (as defined by the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts);

(11)

War Service Land Settlement and Closer Settlement (Amendment).

(ii) within a State Forest or timber or forest reserve;

(iii) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906-1946:

Provided further that the Minister shall not so approve where in his opinion the amount of capital (including shares in any company or any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents is such as to warrant refusal of the application."

Further amendment of Act No. 43, 1941.

Sec. 8c.

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

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

(a) by inserting in paragraph (c) of subsection seven of section 8c after the word "waived" the words "In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer repayment of principal moneys or any part thereof and defer or waive payment of interest or any part thereof. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid."

Sec. 8d.

(Assistance period.)

(b) (i) by inserting at the end of subsection three of section 8d the words "In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer payment of any instalment

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instalment of land purchase money or any part thereof and defer or waive payment of any rent or interest or any part thereof in respect of his occupation of such land. Any such deferment or waiver shall be for such period after the expiration of the assistance period as may be approved as aforesaid.

In respect of any discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister."

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

(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 on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;

(ii) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation of and commences to

(War Service Land Settlement and Closer Settlement) (Amendment).

to work the land to the satisfaction of the Minister, whichever date is the later:

Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces or other eligible person acquired land disposed of in accordance with section three of this Act "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

Further amendment of Act No. 38, 1943. Subst. sec. 9U.

Waiver of certain payments.

(2) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting section 9U and by inserting in lieu thereof the following section:--

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 or who has been granted a permissive occupancy of land acquired by the Crown under such provisions 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 special circumstances and upon conditions approved by 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 the Minister may in any particular case defer payment of any instalment of land purchase money or any part thereof and defer or waive

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waive payment of any rent or interest or any part thereof in respect of the occupation of such land. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.

In respect of any such discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister.

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 on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;
- (b) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation and commences to work the land to the satisfaction of the Minister whichever date is the later:

Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces, or other eligible person acquired land under the provisions of this Part of this Act or was granted a permissive occupancy of land acquired by the Crown under such provisions "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

War Service Land Settlement and Closer Settlement (Amendment).

Amendment
of Act No.
7, 1913.
Subst. sec.
147N.

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by omitting section 147N and by inserting in lieu thereof the following section:—

Waiver of
certain
payments.

147N. Notwithstanding anything in any Act, any rent or interest becoming due and payable in respect of the occupation during an assistance period by a member of the forces, discharged member of the forces, or other eligible person, of land acquired under this Division of this Part of this Act, shall be waived. In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer or waive payment of any rent or interest or any part thereof in respect of the occupation of such land by a member of the forces, discharged member of the forces, or other eligible person. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.

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 on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;
- (b) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister whichever date is the later.

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(4) (a) Subsections one and two of this section shall be deemed to have commenced on the seventeenth day of November, one thousand nine hundred and forty-seven.

(b) Subsection three of this section shall be deemed to have commenced on the twenty-first day of May, one thousand nine hundred and forty-eight.

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

Further amendment of Act No. 43, 1941.
New sec. 3A.

(a) by inserting next after section three the following new section:—

3A. (1) The Minister may, by notification published in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, or any of those Acts as amended by subsequent Acts, or otherwise, to be disposed of otherwise than in accordance with section three of this Act under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, exclusively to any one or more of the following classes of persons:—

Further provision for setting apart areas for selection by members or discharged members of the forces or discharged soldiers or other eligible persons.

- (a) members of the forces;
- (b) discharged members of the forces;
- (c) discharged soldiers;
- (d) other eligible persons.

Any notification under this section may be amended or revoked by the Minister by a notification published in the Gazette.

“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) An application for any land set apart under this section shall be made in the form and manner prescribed.

(3)

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subsections (1A), (1B) and five of section three of this Act shall apply, mutatis mutandis, in respect of land set apart and applications under this section.

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

(b) by inserting in paragraph (a) of subsection one of section five after the word "three" the words and symbols "or section 3A";

Sec. 8.
(Previous holding not to disqualify in certain cases.)

(c) by inserting in section eight after the word "three" the words and symbols "or section 3A."

Further amendment of Act No. 37, 1904.
Subst. sec. 49.

6. (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by omitting section forty-nine and by inserting in lieu thereof the following section:—

Contributions to cost of erection and maintenance of boundary fences.

49. (1) The holder of any settlement purchase, settlement purchase lease, group purchase lease or closer settlement lease, who shall fence his purchase or lease, may demand and enforce from the owner of adjoining lands or the holder from the Crown of any adjoining purchase, lease, homestead selection or homestead grant a contribution towards the cost of such fencing to the extent of one-half of the appraised value thereof, but so far only as such fencing marks a common boundary line or forms a common boundary fence; and while such fencing is maintained in good repair and condition by such person, every owner of adjoining lands or holder as aforesaid shall be and remain liable as a contributory towards the cost of so maintaining such fence to the extent of one-half the cost thereof:

Provided that the holder of a closer settlement lease shall obtain the approval of the Minister before demanding a contribution under this section:

Provided further that no holder of any lease having less than five years to run shall be liable as a contributory under this section towards the original cost of fencing but shall be liable as a contributory towards the cost of maintaining such fencing.

War Service Land Settlement and Closer Settlement (Amendment).

(2) For the purposes of subsection one of this section and without limiting the generality of such subsection the holder of a closer settlement lease shall be deemed to have fenced his lease where the land comprised therein was fenced either before or after disposal of such land to such holder as a closer settlement lease, and either at the expense of the Crown or such holder or partly at the expense of the Crown and partly at the expense of such holder.

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts, is amended— Amendment of Act No. 35, 1934.

(a) by inserting next after subsection one of section one hundred and twenty-three the following new subsection:— Sec. 123.
(Contribution to the cost of rabbit, dog or marsupial proof fence.)

(1A) For the purposes of subsection one of this section, and without limiting the generality of such subsection, the boundary, or any part thereof, of any holding comprising land disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall be deemed to have been fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or a fence on such boundary, or part thereof, shall be deemed to have been made rabbit-proof, dog-proof, or marsupial-proof, at the expense of the owner of such holding where such boundary or part thereof was fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or where a fence on such boundary or part thereof was made rabbit-proof, dog-proof, or marsupial-proof either before or after disposal of such land to such owner, and either at the expense of the Crown or such owner or partly at the expense of the Crown and partly at the expense of such owner:

Provided

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Provided that such owner shall not give the prescribed notice of demand under paragraph (a) of subsection five of this section except with the approval of the Minister, or, in the case of lands within an irrigation area, the Minister charged with the administration of the Irrigation Act, 1912-1946.

- (b) by inserting at the end of subsection eight of the same section the words "or in the case of an owner of a holding disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, then within twelve months after the completion of the work for which contribution is claimed or within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, whichever is the later."

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

Amendment
of Act No.
12, 1907.

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

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

- (a) (i) by inserting in paragraph (a) of subsection four of section four next after the word "exceed" where secondly occurring the words "by more than fifteen per centum";
- (ii) by omitting from paragraph (b) of the same subsection the words "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

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improvements effected on such land since that date” and by inserting in lieu thereof the words “the following provisions shall apply:—

- (i) in the case of any such resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board the value of the land as so assessed shall not exceed by more than fifteen per centum 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;
- (ii) in the case of any such resumption other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, 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”;
- (b) by omitting from paragraph (f) of subsection seven of section five the words “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

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

tenth

War Service Land Settlement and Closer Settlement (Amendment).

tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date," and by inserting in lieu thereof the words "the following provisions shall apply:—

(i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed 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;

(ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph 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."

Further
amendment
of Act No.
38, 1943.

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

Sec. 9B.
(Valuation.)

(a) by inserting in section 9B next after the word "exceed" the words "by more than fifteen per centum";

(b)

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(b) by inserting in section 91 next after the word "exceed" the words "by more than fifteen per centum." Sec. 91.
(Valuation.)

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

(a) by inserting in section 147E after the word "exceed" the words "by more than fifteen per centum"; Sec. 147E.
(Valuation.)

(b) by omitting from subsection three of section one hundred and ninety-seven the words "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, excepting the value of any improvements effected on such land since that date" and by inserting in lieu thereof the words "Provided that— Sec. 197.
(Exchanges
and pur-
chases for
public pur-
poses.)

(a) in the case of any purchase, or any resumption where the owner has agreed not to claim payment in excess of the price determined by the local land board, the price so determined shall not exceed by more than fifteen per centum the amount which the local land board 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;

(b) in the case of any resumption, other than a resumption where the owner has agreed not to claim payment in excess of the price determined by the local land

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land board, 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, excepting the value of any improvements effected on such land since that date."

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

Further amendment of Act No. 38, 1943.

Sec. 3A.
(Certain debts to Crown may be taken into account for purposes of calculating annual rent.)

(a) by inserting at the end of section 3A the words "Provided that where by the operation of the foregoing provisions the amount upon which the annual rent is calculated in accordance with section three of this Act is increased in excess of the fair market value of the land as determined by an advisory board as at the date of application for conversion, calculated on a freehold basis, inclusive of all improvements, such excess shall thereupon be waived and the annual rent shall be two and one-half per centum of the fair market value as so determined";

Sec. 7.
(Setting apart of land.)

(b) by inserting at the end of subsection two of section seven the following new paragraph:—

(d) A notification under paragraph (a) of this subsection may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the incoming tenant.

(c)

War Service Land Settlement and Closer Settlement (Amendment).

- (c) (i) by omitting subsection one of section nine and by inserting in lieu thereof the following subsection:—

Sec. 9.
(Closer
Settlement
leases.)

(1) The title to a closer settlement lease shall be a lease in perpetuity.

Where the application for the closer settlement lease was allowed by the local land board before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, the title shall commence from the date of such application, if valid.

Where the application for the closer settlement lease is allowed by the local land board after the commencement of such Act, the title shall commence from the date of such allowance;

- (ii) by omitting from paragraph (b) of subsection two of the same section the word "six" and by inserting in lieu thereof the word "three";

- (d) by inserting at the end of section 9A the following new subsections:—

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

(5) The application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, may with the consent of the owner and the approval of the Minister be varied by including therein additional land or excluding therefrom part of the lands included therein or by increasing or decreasing the price specified in the application.

(6) The consent of the owner under subsection one of this section whether given before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, and the consent of the owner under subsection five of this section, shall not be withdrawn before the expiration of sixty days

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days after such owner has given to the Minister notice in writing of his intention to so withdraw: Provided that in no case shall such consent be withdrawn after the Minister has approved of the purchase.

Sec. 9B.
(Valuation.)

(e) by omitting from section 9B the words "such lands" and by inserting in lieu thereof the words "the lands the subject of such application";

Sec. 9D.
(Purchase of land.)

(f) by inserting in section 9D next after the word "made" where firstly occurring the words "or varied";

Sec. 9DA.
(Vesting of land in the Crown.)

(g) by omitting from section 9DA the words "Where, under section 9A of this Act an application has been made to the Minister to acquire any lands and the Minister has approved of the purchase of such lands" and by inserting in lieu thereof the words "Where the Minister has approved of the purchase of lands";

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

(h) (i) by inserting at the end of paragraph (a) of subsection one of section 9F the following words and paragraph "Any lands deemed by the Minister to be necessary for roads, or any purpose which he considers to be a community purpose or a public purpose may be excluded from the farms, and any adjacent Crown lands may be included in such farms.

(a1) The subdivision may be made into farms before the farms are measured, and in such case the farms may be notified under paragraph (c) of this subsection according to the design thereof";

(ii) by inserting next after paragraph (d) of the same subsection the following new paragraph:—

(d1) Where a farm has been measured after publication in the Gazette of a notification under paragraph (c) of this

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this subsection any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the person in whom the farm has been vested.

(iii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

(f) any lands deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are excluded from the farms under paragraph (a) of this subsection may be retained by the Crown either permanently or for a limited period, and the Minister may expend moneys necessary to maintain adequately such lands and the improvements thereon, and, if necessary, to replace improvements on such lands during such time as they are retained by the Crown. The Minister may grant permits to occupy such lands or any part thereof, upon such terms and conditions as to him may seem fit, or may otherwise dispose of such lands under the Closer Settlement Acts.

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

Further amendment of Act No. 43, 1941.

(a) by omitting from the definition of "The war" in section two the words "this Act" and by inserting in lieu thereof the words and figures "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945";

Sec. 2. (Definitions.)

(b)

War Service Land Settlement and Closer Settlement (Amendment).

Sec. 8B.

(Develop-
ment of
lands for
War Service
Land Settle-
ment.)

- (b) by omitting from section 8B the words "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 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" and by inserting in lieu thereof the words "Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling are or is completed 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 or roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling had been completed 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 holder's title to the holding had commenced on the day next succeeding the day on which the improvements or the roads of access, or the preparation otherwise of the farms, blocks or areas for settlement, or erection of the dwelling, as the case may be, were completed. Any necessary adjustment shall be made as to the capital value
and

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and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the holder”;

- (c) (i) by inserting at the end of subsection two of section 8c the following words and new subsection “to such discharged member of the forces or other eligible person.

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

(2A) The Minister may permit the transfer of any such advances made to a discharged member of the forces or other eligible person under subsection one or two of this section to any other discharged member of the forces or other eligible person with respect to any land owned or leased by such person.”

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

(3) The Minister may purchase and dispose of such livestock, nursery stock for planting purposes, plant, equipment and implements as he may deem necessary for the purposes of this Act: Provided that he shall not purchase livestock in excess of current requirements. Any advances made or transferred to a discharged member of the forces, or other eligible person under the provisions of subsection one, two or (2A) of this section may be applied by such discharged member of the forces or other eligible person in acquiring any such livestock, nursery stock for planting purposes, plant, equipment or implements from the Minister.

The powers conferred on the Minister by this subsection shall be deemed to include the power to do all things which he considers necessary for the care or maintenance of any such livestock, nursery stock
for

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for planting purposes, plant, equipment or implements from the time of their purchase to the time of their disposal by him.

Sec. 8DD.
(Delegation
of powers.)

- (d) (i) by inserting in subsection one of section 8DD next after the word "two" the word "three";
- (ii) by omitting from the same subsection the words "subsection one of" and by inserting in lieu thereof the words "subsections one, three and four of".

New sec. 8G.

- (e) by inserting next after section 8F the following new section:—

The Under-Secretary and prescribed officer may deal with certain matters on behalf of the Minister.

8G. The Under Secretary and any other prescribed officer shall have power on behalf of the Minister to deal with such matters as may from time to time be prescribed; and, where in pursuance of this section a decision is given by the Under Secretary or such other officer on behalf of the Minister it shall have the same effect as if given by the Minister in person.

Further amendment of Act No. 37, 1904.

Sec. 28.
(Applications, inquiry, and disposal by land board, appeal barred.)

(3) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by inserting in section twenty-eight next after the words "such board" the words "Provided that in determining which of the applicants are more eligible such board shall take into consideration the amount of capital (including shares in any company and any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents and where by reason of such holding of such capital the board is of the opinion that such applicant is less in need of land than any other applicant it shall deem him to be less eligible."

Further amendment of Act No. 12, 1907.

Sec. 3.
(Report by board.)

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

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

(4) Where an advisory board is required by the Closer Settlement Acts to report upon the estimated

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estimated value or to make a valuation of any lands which are held under homestead selection, homestead grant, or lease in perpetuity title (other than closer settlement lease, settlement purchase lease or group purchase lease) the capital value or annual rent of which is not subject to reappraisal the board may for the purpose of arriving at such estimated value or making such valuation deduct from the freehold value of the land as determined by the board an amount arrived at by capitalising the annual rent of such homestead selection, homestead grant, or lease in perpetuity title, at such rate as may be prescribed.

(b) (i) by omitting from paragraph (a) of subsection one of section four the words "failing such agreement"; Sec. 4.
(Power to purchase or resume land.)

(ii) by inserting at the end of subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board."

(c) by inserting next after section fifteen the following new section:— New sec.
15A.

15A. All or any reasonable costs incurred by a vendor in respect of a purchase of land by the Crown under the Closer Settlement Acts may, subject to taxation by the Prothonotary of the Supreme Court, be paid by the Crown, if the Minister so approves: Provided that the total amount of such costs shall not in any case exceed fifty pounds. Payment of costs.

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

(a) (i) by inserting in section one hundred and twenty-four after the word "land" where secondly occurring the words "or any lands acquired under the Closer Settlement Acts or otherwise"; Sec. 124.
(Suburban holding areas.)

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

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

(5) The Minister may notify in the Gazette that the said blocks are made available for the purpose of erecting dwellings thereon.

Sec. 129B.
(Purchase
of suburban
holdings.)

- (b) (i) by inserting at the end of paragraph (b) of section 129B the words “Provided that no such determination of value shall be made where the application is in respect of a suburban holding of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.”

- (ii) by omitting paragraph (f) of the same section and by inserting in lieu thereof the following paragraph:—

(f) (i) Where the value of the land has been determined by the local land board under paragraph (b) of this section the applicant, if dissatisfied with the value so determined, may, within one month after such determination, withdraw his application upon payment of costs as assessed by the board.

(ii) Where such value has not been so determined the price of the land shall be the capital value of the suburban holding as the same may have been determined by the local land board, otherwise than under paragraph (b) of this section, or if not so otherwise determined, such capital value as may have been duly notified in that behalf: Provided that where any areas are excluded under paragraph (d) of this section the price shall be such capital value as may be determined by the local land board. Such
capital

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capital value shall be determined as at the date of commencement of title to the suburban holding.

- (c) by inserting at the end of subsection one of section one hundred and forty-five the words:—
 “This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area.” Sec. 145.
(Conversion of I.F.L. to I.F.P., &c.)
- (d) by inserting at the end of subsection three of section one hundred and fifty-eight the following word and new paragraph “or
 (c) owns or holds under any tenure—other than a lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised—any land suitable for residential purposes situated within any area which may be specified in the notification setting the land apart for disposal by way of suburban holdings”; Sec. 158.
(Disqualification by ownership of land.)
- (e) by inserting in subsection four of section one hundred and seventy-eight next after the word “pounds” the words “or where the area is of a greater unimproved value than three hundred pounds and the Minister is of the opinion that such dispensation is desirable to assist the holder to borrow money to be applied towards the erection of a dwelling on such area”; Sec. 178.
(Suspension or remission of conditions other than payment.)
- (f) by omitting from section two hundred and four the words “rent or license fee” where secondly occurring and by inserting in lieu thereof the words “lease or license unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture was declared before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.” Sec. 204.
(Lease or license, when forfeitable.)

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Amendment
of Act No.
31, 1924,
Sec. 22.

(For-
feiture.)

(6) The Prickly-pear Act, 1924, as amended by subsequent Acts, is amended by inserting at the end of section twenty-two the following new subsection:—

(6) No forfeiture under this section of any lease shall operate to extinguish any debt to the Crown in respect of such lease unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the lease was forfeited before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.

(7) (a) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the third day of April, one thousand nine hundred and forty-five.

(b) Paragraphs (b) and (h) of subsection one, paragraphs (a) and (b), subparagraph (i) of paragraph (c) and paragraph (e) of subsection two, and subparagraph (i) of paragraph (b) of subsection four of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

Disallowance
of an appli-
cation for a
closer settle-
ment lease
and allowance
of another
application.

9. (1) The application made by Charles Leslie Sadler Falkiner on the seventh day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby disallowed.

(2) The decision of the local land board given at Gundagai on the second day of June, one thousand nine hundred and forty-eight, allowing such application is hereby declared to be null and void.

(3) The land comprised in the said portion shall revert in the Crown for the like estate and interest as the Crown had in such land immediately prior to such decision.

(4) (a) If the said Charles Leslie Sadler Falkiner or any other person refuses to give up possession of the said land or hinders the Minister or any person acting on behalf

War Service Land Settlement and Closer Settlement. (Amendment).

behalf of the Minister from entering upon or taking possession of the said land for and on behalf of the Crown, 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.

(b) Upon receipt of such warrant the sheriff shall deliver possession of the said land accordingly and the costs 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 payable to the Minister by and be recoverable from such person.

(5) No compensation other than for any improvements effected on the said land by the said Charles Leslie Sadler Falkiner prior to the thirtieth day of November one thousand nine hundred and forty-eight shall be payable to the said Charles Leslie Sadler Falkiner or to any other person in respect of the divesting of any estate or interest by this section or in respect of the performance of any act authorised by this section.

Any compensation for any improvements under this subsection shall be such compensation as may be determined by a war service land settlement board or by the Land and Valuation Court on appeal by the said Charles Leslie Sadler Falkiner from the decision of such board or on reference by the Minister of such decision to such Court.

(6) The application made by William John Elworthy on the eighth day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of the said portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby allowed, and title to such closer settlement lease shall commence on a date to be appointed by the Minister and notified in the Gazette. Such closer settlement lease shall be subject to the general provisions of the Closer Settlement Acts and regulations thereunder relating to closer settlement leases, to the general conditions and restrictions imposed by

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by such Acts and regulations in respect of closer settlement leases, and to the special conditions notified in the Gazette of the twenty-seventh day of February, one thousand nine hundred and forty-eight, in respect of a closer settlement lease of such portion.

(7) The provisions of this section shall have effect notwithstanding anything in any Act contained.

By Authority:

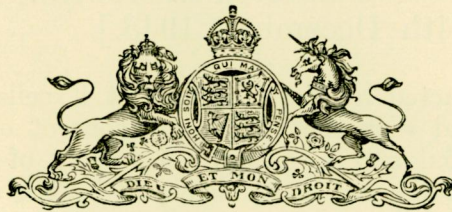
ALFRED HENRY PETTIFER, Government Printer, Sydney, 1949.

[1s.]

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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 15 December, 1948.

New South Wales.



ANNO TERTIO DECIMO

GEORGI VI REGIS.

Act No. 48, 1948.

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 constitute and define the powers of war service land settlement boards; to make further provision for the acquisition of land for the purposes of war service land settlement and the price which may be paid for such land; to make special provision in relation to a closer settlement lease of portion 179, Parish of Bilda, County of Clarendon; to validate certain

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).

certain matters; 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, 24th December, 1948.]

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, 1948."

Amendment of Act No. 43, 1941. **2.** The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended by inserting next after section two the following new section:—

New sec. 2A. War Service Land Settlement Boards. **2A.** (1) The Governor may, from time to time, constitute one or more war service land settlement boards and dissolve and reconstitute any such board.

Each such board shall consist of three members appointed by the Governor.

Of the members so appointed—

(a) one shall be an officer of the Department of Lands who is a discharged member of the forces or discharged soldier. Such member shall be the chairman of the board to which he is appointed;

(b) one shall be appointed on the nomination of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch);

(c)

War Service Land Settlement and Closer Settlement (Amendment).

(c) one shall be appointed on the nomination of the Australian Legion of Ex-Servicemen and Women, New South Wales State Branch.

(2) (a) In the case of the illness or absence of any member of a war service land settlement board, the Minister may appoint a deputy to act in the place of such member during his illness or absence, or may direct a member of any other war service land settlement board to so act.

(b) Any deputy appointed or any member directed to act as aforesaid, while acting during the illness or absence of a member, may exercise all the powers and functions of the member in whose place he acts.

(3) Such war service land settlement board as the Minister may direct, either generally or in any particular matter, or the chairman thereof, shall in respect of—

(a) applications for land set apart under section three or section 3A of this Act, other than land in the Western Division,

(b) such matters as may be prescribed, exercise within any land district all the powers and functions which, immediately before the date upon which any such direction takes effect, the appropriate local land board or chairman thereof exercised under this or any other Act or regulations thereunder.

Any direction given under this subsection—

(i) shall take effect from the date thereof or such later date as the Minister may specify therein;

(ii) may make such provision, as the Minister may deem necessary, in respect of matters, the subject of any such direction, pending or uncompleted before the local land board or chairman.

(4) Representations of any party (other than the Crown) before a war service land settlement board shall not be otherwise than by the party in person. (5)

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(5) Subject to this section the provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and regulations thereunder relating to a local land board, or the chairman of a local land board, or the members of a local land board, or any decision or recommendation of any such board, chairman or members, shall apply, mutatis mutandis, to a war service land settlement board, or the chairman of a war service land settlement board, or the members of a war service land settlement board or any decision or recommendation of any such board, chairman or members, respectively.

Amendment of Act No. 37, 1904.

Sec. 4.
(Definitions.)

3. (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is amended—

(a) (i) by inserting in section four at the end of the definition of "Owner" the words "or, where the land to be acquired is a tenure less than the fee-simple without the right to obtain the fee-simple, the holder of the land to be acquired";

(ii) by omitting from the same section the definition of "Private land";

Part I.
(Heading.)

(b) by omitting from the heading to Part I the word "Private";

Sec. 8.
(Contract may be made.)

(c) by omitting from section eight the word "private";

Sec. 9.
(Deductions.)

(d) by omitting from section nine the words "Conditional leases under the Crown Lands Acts shall be treated as incomplete conditional purchases";

Part II.
(Heading.)

(e) by omitting from the heading to Part II the word "Private".

Amendment of Act No. 44, 1906.

Sec. 3.
(On vesting of land, lessees of then owner to become tenants of Minister.)

(2) The Closer Settlement (Amendment) Act, 1906, as amended by subsequent Acts, is amended by omitting from subsection one of section three the word "private".

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- (3) The Closer Settlement (Amendment) Act, 1912, as amended by subsequent Acts, is amended—
- Amendment of
Act No. 74,
1912.
- (a) by omitting from section 4A the word “private” wherever occurring and by inserting in lieu thereof the word “other”;
- Sec. 4A.
(Power to purchase leases.)
- (b) by omitting from section five the word “private” wherever occurring and by inserting in lieu thereof the word “other”.
- Sec. 5.
(Disposal of land.)
- (4) The Closer Settlement (Amendment) Act, 1918, as amended by subsequent Acts, is amended—
- Amendment of
Act No. 48,
1918.
- (a) by omitting from the short heading to section nine the word “private”;
- Sec. 9.
(Short heading.)
- (b) by omitting from subsection one of section nine the word “private”.
- Sec. 9.
(Applications to Minister to acquire lands.)
- (5) The Closer Settlement (Amendment) Act, 1919, as amended by subsequent Acts, is amended—
- Amendment of
Act No. 46,
1919.
- (a) by omitting from subsection one of section two the word “private”;
- Sec. 2.
(Agreements for purchase by discharged soldiers or sailors.)
- (b) by omitting from subsection one of section ten the word “freehold”.
- Sec. 10.
(Vesting on purchase under Part II of Act of 1918.)
- (6) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended—
- Amendment of
Act No. 38,
1943.
- (a) by omitting from subsection one of section 9A the word “private”;
- Sec. 9A.
(Applications to Minister to acquire lands.)
- (b) by inserting at the end of section 9D the words “or he may at his discretion refuse the application: Provided that the Minister shall not so approve in respect of any such lands which are—
- Sec. 9D.
(Purchase of land.)
- (i) within a reserve from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts (as defined by the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts);
- (ii)

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- (ii) within a State Forest or timber or forest reserve;
- (iii) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906-1946:

Provided further that the Minister shall not so approve where in his opinion the amount of capital (including shares in any company or any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents is such as to warrant refusal of the application."

Further amendment of Act No. 43, 1941.

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

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

(a) by inserting in paragraph (c) of subsection seven of section 8c after the word "waived" the words "In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer repayment of principal moneys or any part thereof and defer or waive payment of interest or any part thereof. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid."

Sec. 8d.
(Assistance period.)

(b) (i) by inserting at the end of subsection three of section 8d the words "In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer payment of any instalment

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instalment of land purchase money or any part thereof and defer or waive payment of any rent or interest or any part thereof in respect of his occupation of such land. Any such deferment or waiver shall be for such period after the expiration of the assistance period as may be approved as aforesaid.

In respect of any discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister."

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

(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 on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;

(ii) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation of and commences

to

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to work the land to the satisfaction of the Minister, whichever date is the later:

Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces or other eligible person acquired land disposed of in accordance with section three of this Act "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

Further amendment of Act No. 38, 1943. Subst. sec. 9u.

Waiver of certain payments.

(2) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting section 9u and by inserting in lieu thereof the following section:—

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 or who has been granted a permissive occupancy of land acquired by the Crown under such provisions 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 special circumstances and upon conditions approved by 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 the Minister may in any particular case defer payment of any instalment of land purchase money or any part thereof and defer or waive

War Service Land Settlement and Closer Settlement (Amendment).

waive payment of any rent or interest or any part thereof in respect of the occupation of such land. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.

In respect of any such discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister.

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 on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;
- (b) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation and commences to work the land to the satisfaction of the Minister whichever date is the later:

Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces, or other eligible person acquired land under the provisions of this Part of this Act or was granted a permissive occupancy of land acquired by the Crown under such provisions "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

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Amendment
of Act No.
7, 1913.
Subst. sec.
147N.

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by omitting section 147N and by inserting in lieu thereof the following section:—

Waiver of
certain
payments.

147N. Notwithstanding anything in any Act, any rent or interest becoming due and payable in respect of the occupation during an assistance period by a member of the forces, discharged member of the forces, or other eligible person, of land acquired under this Division of this Part of this Act, shall be waived. In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer or waive payment of any rent or interest or any part thereof in respect of the occupation of such land by a member of the forces, discharged member of the forces, or other eligible person. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.

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 on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;
- (b) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister whichever date is the later.

(4)

War Service Land Settlement and Closer Settlement (Amendment).

(4) (a) Subsections one and two of this section shall be deemed to have commenced on the seventeenth day of November, one thousand nine hundred and forty-seven.

(b) Subsection three of this section shall be deemed to have commenced on the twenty-first day of May, one thousand nine hundred and forty-eight.

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

Further amendment of Act No. 43, 1941.

(a) by inserting next after section three the following new section:—

New sec. 3A.

3A. (1) The Minister may, by notification published in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, or any of those Acts as amended by subsequent Acts, or otherwise, to be disposed of otherwise than in accordance with section three of this Act under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, exclusively to any one or more of the following classes of persons:—

Further provision for setting apart areas for selection by members or discharged members of the forces or discharged soldiers or other eligible persons.

- (a) members of the forces;
- (b) discharged members of the forces;
- (c) discharged soldiers;
- (d) other eligible persons.

Any notification under this section may be amended or revoked by the Minister by a notification published in the Gazette.

“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) An application for any land set apart under this section shall be made in the form and manner prescribed.

(3)

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subsections (1A), (1B) and five of section three of this Act shall apply, mutatis mutandis, in respect of land set apart and applications under this section.

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

(b) by inserting in paragraph (a) of subsection one of section five after the word "three" the words and symbols "or section 3A";

Sec. 8.
(Previous holding not to disqualify in certain cases.)

(c) by inserting in section eight after the word "three" the words and symbols "or section 3A."

Further amendment of Act No. 37, 1904.
Subst. sec. 49.

6. (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by omitting section forty-nine and by inserting in lieu thereof the following section:—

Contributions to cost of erection and maintenance of boundary fences.

49. (1) The holder of any settlement purchase, settlement purchase lease, group purchase lease or closer settlement lease, who shall fence his purchase or lease, may demand and enforce from the owner of adjoining lands or the holder from the Crown of any adjoining purchase, lease, homestead selection or homestead grant a contribution towards the cost of such fencing to the extent of one-half of the appraised value thereof, but so far only as such fencing marks a common boundary line or forms a common boundary fence; and while such fencing is maintained in good repair and condition by such person, every owner of adjoining lands or holder as aforesaid shall be and remain liable as a contributory towards the cost of so maintaining such fence to the extent of one-half the cost thereof:

Provided that the holder of a closer settlement lease shall obtain the approval of the Minister before demanding a contribution under this section:

Provided further that no holder of any lease having less than five years to run shall be liable as a contributory under this section towards the original cost of fencing but shall be liable as a contributory towards the cost of maintaining such fencing.

(2)

War Service Land Settlement and Closer Settlement (Amendment).

(2) For the purposes of subsection one of this section and without limiting the generality of such subsection the holder of a closer settlement lease shall be deemed to have fenced his lease where the land comprised therein was fenced either before or after disposal of such land to such holder as a closer settlement lease, and either at the expense of the Crown or such holder or partly at the expense of the Crown and partly at the expense of such holder.

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts, is amended—

Amendment
of Act No.
35, 1934.

(a) by inserting next after subsection one of section one hundred and twenty-three the following new subsection:—

Sec. 123.
(Contribution
to the cost of
rabbit, dog or
marsupial
proof fence.)

(1A) For the purposes of subsection one of this section, and without limiting the generality of such subsection, the boundary, or any part thereof, of any holding comprising land disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall be deemed to have been fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or a fence on such boundary, or part thereof, shall be deemed to have been made rabbit-proof, dog-proof, or marsupial-proof, at the expense of the owner of such holding where such boundary or part thereof was fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or where a fence on such boundary or part thereof was made rabbit-proof, dog-proof, or marsupial-proof either before or after disposal of such land to such owner, and either at the expense of the Crown or such owner or partly at the expense of the Crown and partly at the expense of such owner:

Provided

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Provided that such owner shall not give the prescribed notice of demand under paragraph (a) of subsection five of this section except with the approval of the Minister, or, in the case of lands within an irrigation area, the Minister charged with the administration of the Irrigation Act, 1912-1946.

- (b) by inserting at the end of subsection eight of the same section the words "or in the case of an owner of a holding disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV A of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, then within twelve months after the completion of the work for which contribution is claimed or within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, whichever is the later."

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

Amendment
of Act No.
12, 1907.

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

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

- (a) (i) by inserting in paragraph (a) of subsection four of section four next after the word "exceed" where secondly occurring the words "by more than fifteen per centum";
- (ii) by omitting from paragraph (b) of the same subsection the words "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

War Service Land Settlement and Closer Settlement (Amendment).

improvements effected on such land since that date” and by inserting in lieu thereof the words “the following provisions shall apply:—

- (i) in the case of any such resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board the value of the land as so assessed shall not exceed by more than fifteen per centum 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;
- (ii) in the case of any such resumption other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, 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”;
- (b) by omitting from paragraph (f) of subsection seven of section five the words “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

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

War Service Land Settlement and Closer Settlement (Amendment).

tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date," and by inserting in lieu thereof the words "the following provisions shall apply:—

- (i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed 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;
- (ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph 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."

Further
amendment
of Act No.
38, 1943.

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

Sec. 9B.
(Valuation.)

- (a) by inserting in section 9B next after the word "exceed" the words "by more than fifteen per centum";

(b)

War Service Land Settlement and Closer Settlement (Amendment).

- (b) by inserting in section 9r next after the word "exceed" the words "by more than fifteen per centum." Sec. 9r.
(Valuation.)

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

- (a) by inserting in section 147E after the word "exceed" the words "by more than fifteen per centum"; Sec. 147E.
(Valua-
tion.)

- (b) by omitting from subsection three of section one hundred and ninety-seven the words "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, excepting the value of any improvements effected on such land since that date" and by inserting in lieu thereof the words "Provided that—

(a) in the case of any purchase, or any resumption where the owner has agreed not to claim payment in excess of the price determined by the local land board, the price so determined shall not exceed by more than fifteen per centum the amount which the local land board 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;

(b) in the case of any resumption, other than a resumption where the owner has agreed not to claim payment in excess of the price determined by the local
land

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land board, 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, excepting the value of any improvements effected on such land since that date."

Further amendment of Act No. 38, 1943.

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

Sec. 3A.
(Certain debts to Crown may be taken into account for purposes of calculating annual rent.)

(a) by inserting at the end of section 3A the words "Provided that where by the operation of the foregoing provisions the amount upon which the annual rent is calculated in accordance with section three of this Act is increased in excess of the fair market value of the land as determined by an advisory board as at the date of application for conversion, calculated on a freehold basis, inclusive of all improvements, such excess shall thereupon be waived and the annual rent shall be two and one-half per centum of the fair market value as so determined";

Sec. 7.
(Setting apart of land.)

(b) by inserting at the end of subsection two of section seven the following new paragraph:—

(d) A notification under paragraph (a) of this subsection may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the incoming tenant.

(c)

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- (c) (i) by omitting subsection one of section nine and by inserting in lieu thereof the following subsection:—

Sec. 9.
(Closer
Settlement
leases.)

(1) The title to a closer settlement lease shall be a lease in perpetuity.

Where the application for the closer settlement lease was allowed by the local land board before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, the title shall commence from the date of such application, if valid.

Where the application for the closer settlement lease is allowed by the local land board after the commencement of such Act, the title shall commence from the date of such allowance;

- (ii) by omitting from paragraph (b) of subsection two of the same section the word "six" and by inserting in lieu thereof the word "three";

- (d) by inserting at the end of section 9A the following new subsections:—

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

(5) The application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, may with the consent of the owner and the approval of the Minister be varied by including therein additional land or excluding therefrom part of the lands included therein or by increasing or decreasing the price specified in the application.

(6) The consent of the owner under subsection one of this section whether given before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, and the consent of the owner under subsection five of this section, shall not be withdrawn before the expiration of sixty days

War Service Land Settlement and Closer Settlement (Amendment).

days after such owner has given to the Minister notice in writing of his intention to so withdraw: Provided that in no case shall such consent be withdrawn after the Minister has approved of the purchase.

- Sec. 9B.
(Valuation.) (e) by omitting from section 9B the words "such lands" and by inserting in lieu thereof the words "the lands the subject of such application";
- Sec. 9D.
(Purchase of land.) (f) by inserting in section 9D next after the word "made" where firstly occurring the words "or varied";
- Sec. 9DA.
(Vesting of land in the Crown.) (g) by omitting from section 9DA the words "Where, under section 9A of this Act an application has been made to the Minister to acquire any lands and the Minister has approved of the purchase of such lands" and by inserting in lieu thereof the words "Where the Minister has approved of the purchase of lands";
- Sec. 9F.
" (Vesting of land in applicant.) (h) (i) by inserting at the end of paragraph (a) of subsection one of section 9F the following words and paragraph "Any lands deemed by the Minister to be necessary for roads, or any purpose which he considers to be a community purpose or a public purpose may be excluded from the farms, and any adjacent Crown lands may be included in such farms.
(a1) The subdivision may be made into farms before the farms are measured, and in such case the farms may be notified under paragraph (c) of this subsection according to the design thereof";
(ii) by inserting next after paragraph (d) of the same subsection the following new paragraph:—
(d1) Where a farm has been measured after publication in the Gazette of a notification under paragraph (c) of this
this

War Service Land Settlement and Closer Settlement (Amendment).

this subsection any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the person in whom the farm has been vested.

(iii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

(f) any lands deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are excluded from the farms under paragraph (a) of this subsection may be retained by the Crown either permanently or for a limited period, and the Minister may expend moneys necessary to maintain adequately such lands and the improvements thereon, and, if necessary, to replace improvements on such lands during such time as they are retained by the Crown. The Minister may grant permits to occupy such lands or any part thereof, upon such terms and conditions as to him may seem fit, or may otherwise dispose of such lands under the Closer Settlement Acts.

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

Further amendment of Act No. 43, 1941.

(a) by omitting from the definition of "The war" in section two the words "this Act" and by inserting in lieu thereof the words and figures "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945";

Sec. 2.
(Definitions.)

(b)

War Service Land Settlement and Closer Settlement (Amendment).

Sec. 8B.
(Develop-
ment of
lands for
War Service
Land Settle-
ment.)

(b) by omitting from section 8B the words "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 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" and by inserting in lieu thereof the words "Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling are or is completed 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 or roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling had been completed 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 holder's title to the holding had commenced on the day next succeeding the day on which the improvements or the roads of access, or the preparation otherwise of the farms, blocks or areas for settlement, or erection of the dwelling, as the case may be, were completed. Any necessary adjustment shall be made as to the capital value
and

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and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the holder”;

- (c) (i) by inserting at the end of subsection two of section 8c the following words and new subsection “to such discharged member of the forces or other eligible person.

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

(2A) The Minister may permit the transfer of any such advances made to a discharged member of the forces or other eligible person under subsection one or two of this section to any other discharged member of the forces or other eligible person with respect to any land owned or leased by such person.”

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

(3) The Minister may purchase and dispose of such livestock, nursery stock for planting purposes, plant, equipment and implements as he may deem necessary for the purposes of this Act: Provided that he shall not purchase livestock in excess of current requirements. Any advances made or transferred to a discharged member of the forces, or other eligible person under the provisions of subsection one, two or (2A) of this section may be applied by such discharged member of the forces or other eligible person in acquiring any such livestock, nursery stock for planting purposes, plant, equipment or implements from the Minister.

The powers conferred on the Minister by this subsection shall be deemed to include the power to do all things which he considers necessary for the care or maintenance of any such livestock, nursery stock
for

War Service Land Settlement and Closer Settlement (Amendment).

- for planting purposes, plant, equipment or implements from the time of their purchase to the time of their disposal by him.
- Sec. 8DD.
(Delegation of powers.)
- (d) (i) by inserting in subsection one of section 8DD next after the word "two" the word "three";
- (ii) by omitting from the same subsection the words "subsection one of" and by inserting in lieu thereof the words "subsections one, three and four of".
- New sec. 8g.
- (e) by inserting next after section 8f the following new section:—
- 8g. The Under Secretary and any other prescribed officer shall have power on behalf of the Minister to deal with such matters as may from time to time be prescribed; and, where in pursuance of this section a decision is given by the Under Secretary or such other officer on behalf of the Minister it shall have the same effect as if given by the Minister in person.
- The Under-Secretary and prescribed officer may deal with certain matters on behalf of the Minister.
- (3) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by inserting in section twenty-eight next after the words "such board" the words "Provided that in determining which of the applicants are more eligible such board shall take into consideration the amount of capital (including shares in any company and any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents and where by reason of such holding of such capital the board is of the opinion that such applicant is less in need of land than any other applicant it shall deem him to be less eligible."
- Further amendment of Act No. 37, 1904.
Sec. 28.
(Applications, inquiry, and disposal by land board, appeal barred.)
- (4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is further amended—
- Further amendment of Act No. 12, 1907.
- (a) by inserting at the end of section three the following new subsection:—
- (4) Where an advisory board is required by the Closer Settlement Acts to report upon the estimated
- Sec. 3.
(Report by board.)

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estimated value or to make a valuation of any lands which are held under homestead selection, homestead grant, or lease in perpetuity title (other than closer settlement lease, settlement purchase lease or group purchase lease) the capital value or annual rent of which is not subject to reappraisal the board may for the purpose of arriving at such estimated value or making such valuation deduct from the freehold value of the land as determined by the board an amount arrived at by capitalising the annual rent of such homestead selection, homestead grant, or lease in perpetuity title, at such rate as may be prescribed.

- (b) (i) by omitting from paragraph (a) of subsection one of section four the words "failing such agreement";
- (ii) by inserting at the end of subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board."
- (c) by inserting next after section fifteen the following new section:—
- 15A. All or any reasonable costs incurred by a vendor in respect of a purchase of land by the Crown under the Closer Settlement Acts may, subject to taxation by the Prothonotary of the Supreme Court, be paid by the Crown, if the Minister so approves: Provided that the total amount of such costs shall not in any case exceed fifty pounds.
- (5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—
- (a) (i) by inserting in section one hundred and twenty-four after the word "land" where secondly occurring the words "or any lands acquired under the Closer Settlement Acts or otherwise";
- (ii)

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

New sec. 15A.

Payment of costs.

Further amendment of Act No. 7, 1913.

Sec. 124.
(Suburban holding areas.)

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

(5) The Minister may notify in the Gazette that the said blocks are made available for the purpose of erecting dwellings thereon.

Sec. 129B.
(Purchase
of suburban
holdings.)

(b) (i) by inserting at the end of paragraph (b) of section 129B the words “Provided that no such determination of value shall be made where the application is in respect of a suburban holding of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.”

(ii) by omitting paragraph (f) of the same section and by inserting in lieu thereof the following paragraph:—

(f) (i) Where the value of the land has been determined by the local land board under paragraph (b) of this section the applicant, if dissatisfied with the value so determined, may, within one month after such determination, withdraw his application upon payment of costs as assessed by the board.

(ii) Where such value has not been so determined the price of the land shall be the capital value of the suburban holding as the same may have been determined by the local land board, otherwise than under paragraph (b) of this section, or if not so otherwise determined, such capital value as may have been duly notified in that behalf: Provided that where any areas are excluded under paragraph (d) of this section the price shall be such capital value as may be determined by the local land board. Such
capital

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capital value shall be determined as at the date of commencement of title to the suburban holding.

- (c) by inserting at the end of subsection one of section one hundred and forty-five the words:—
 “This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area.”
 Sec. 145.
 (Conversion of I.F.L. to I.F.P., &c.)
- (d) by inserting at the end of subsection three of section one hundred and fifty-eight the following word and new paragraph “or
 (c) owns or holds under any tenure—other than a lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised—any land suitable for residential purposes situated within any area which may be specified in the notification setting the land apart for disposal by way of suburban holdings”;
 Sec. 158.
 (Disqualification by ownership of land.)
- (e) by inserting in subsection four of section one hundred and seventy-eight next after the word “pounds” the words “or where the area is of a greater unimproved value than three hundred pounds and the Minister is of the opinion that such dispensation is desirable to assist the holder to borrow money to be applied towards the erection of a dwelling on such area”;
 Sec. 178.
 (Suspension or remission of conditions other than payment.)
- (f) by omitting from section two hundred and four the words “rent or license fee” where secondly occurring and by inserting in lieu thereof the words “lease or license unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture was declared before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.”
 Sec. 204.
 (Lease or license, when forfeitable.)

War Service Land Settlement and Closer Settlement (Amendment).

Amendment
of Act No.
31,1924.
Sec. 22.

(For-
feiture.)

(6) The Prickly-pear Act, 1924, as amended by subsequent Acts, is amended by inserting at the end of section twenty-two the following new subsection:—

(6) No forfeiture under this section of any lease shall operate to extinguish any debt to the Crown in respect of such lease unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the lease was forfeited before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.

(7) (a) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the third day of April, one thousand nine hundred and forty-five.

(b) Paragraphs (b) and (h) of subsection one, paragraphs (a) and (b), subparagraph (i) of paragraph (c) and paragraph (e) of subsection two, and subparagraph (i) of paragraph (b) of subsection four of this section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

Disallowance
of an appli-
cation for a
closer settle-
ment lease
and allowance
of another
application.

9. (1) The application made by Charles Leslie Sadler Falkiner on the seventh day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby disallowed.

(2) The decision of the local land board given at Gundagai on the second day of June, one thousand nine hundred and forty-eight, allowing such application is hereby declared to be null and void.

(3) The land comprised in the said portion shall revert in the Crown for the like estate and interest as the Crown had in such land immediately prior to such decision.

(4) (a) If the said Charles Leslie Sadler Falkiner or any other person refuses to give up possession of the said land or hinders the Minister or any person acting on behalf

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behalf of the Minister from entering upon or taking possession of the said land for and on behalf of the Crown, 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.

(b) Upon receipt of such warrant the sheriff shall deliver possession of the said land accordingly and the costs 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 payable to the Minister by and be recoverable from such person.

(5) No compensation other than for any improvements effected on the said land by the said Charles Leslie Sadler Falkiner prior to the thirtieth day of November one thousand nine hundred and forty-eight shall be payable to the said Charles Leslie Sadler Falkiner or to any other person in respect of the divesting of any estate or interest by this section or in respect of the performance of any act authorised by this section.

Any compensation for any improvements under this subsection shall be such compensation as may be determined by a war service land settlement board or by the Land and Valuation Court on appeal by the said Charles Leslie Sadler Falkiner from the decision of such board or on reference by the Minister of such decision to such Court.

(6) The application made by William John Elworthy on the eighth day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of the said portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby allowed, and title to such closer settlement lease shall commence on a date to be appointed by the Minister and notified in the Gazette. Such closer settlement lease shall be subject to the general provisions of the Closer Settlement Acts and regulations thereunder relating to closer settlement leases, to the general conditions and restrictions imposed by

War Service Land Settlement and Closer Settlement (Amendment).

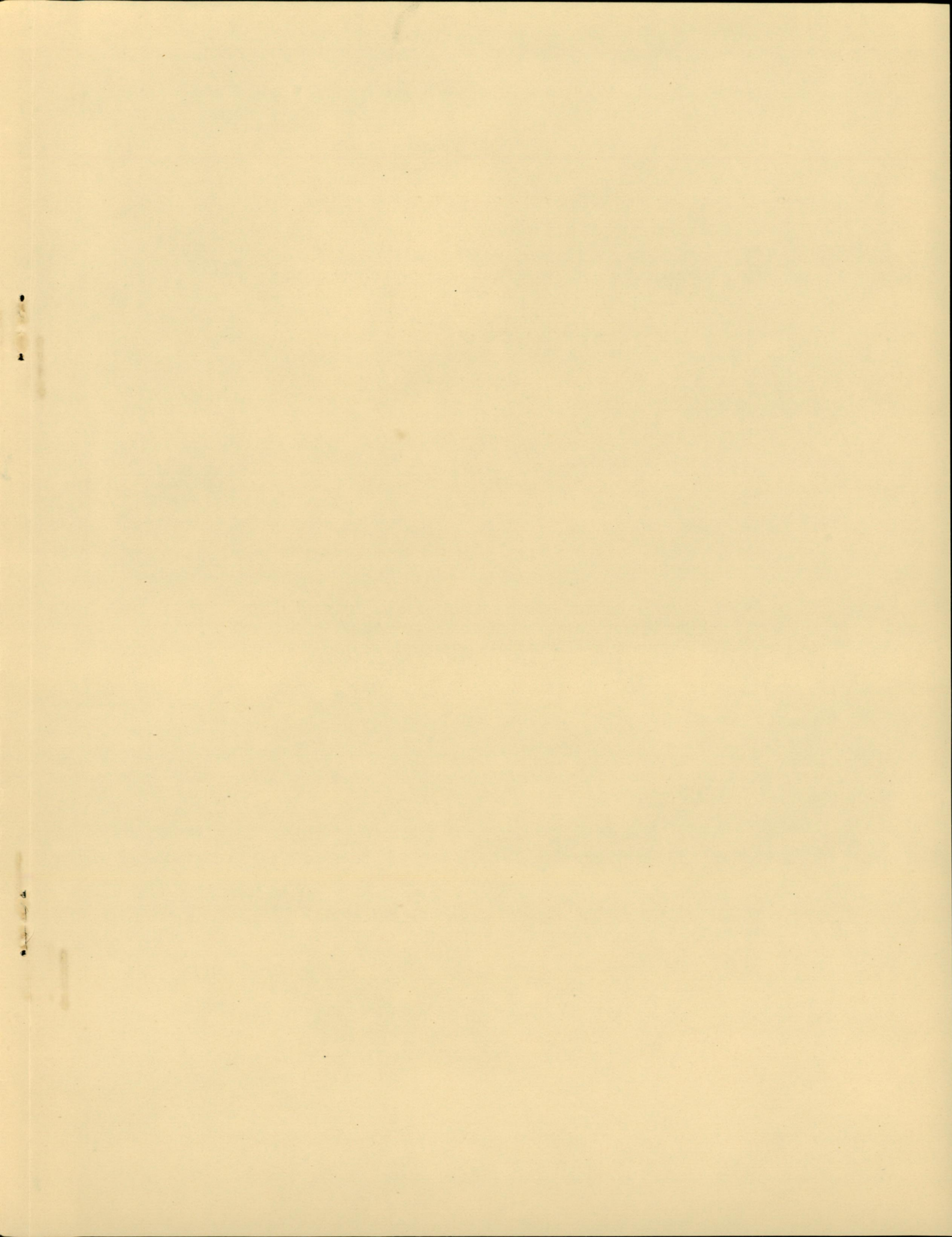
by such Acts and regulations in respect of closer settlement leases, and to the special conditions notified in the Gazette of the twenty-seventh day of February, one thousand nine hundred and forty-eight, in respect of a closer settlement lease of such portion.

(7) The provisions of this section shall have effect notwithstanding anything in any Act contained.

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 24th December, 1948.*



*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.*

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 10 December, 1948., A.M.

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. , 1948.

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 constitute and define the powers of war service land settlement boards; to make further provision for the acquisition of land for the purposes of war service land settlement and the price which may be paid for such land; to make special provision in relation to a closer settlement lease of portion 179, Parish of Bilda, County of Clarendon; to validate

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certain matters ; 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.

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, 1948." Short title.

2. The War Service Land Settlement Act, 1941, as
10 amended by subsequent Acts, is amended by inserting next after section two the following new section :— Amendment of Act No. 43, 1941.

2A. (1) The Governor may, from time to time, constitute one or more war service land settlement boards and dissolve and reconstitute any such board. New sec. 2A. War Service Land Settlement Boards.

15 Each such board shall consist of three members appointed by the Governor.

Of the members so appointed—

20 (a) one shall be an officer of the Department of Lands who is a discharged member of the forces or discharged soldier. Such member shall be the chairman of the board to which he is appointed;

25 (b) one shall be appointed on the nomination of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch);

(c)

War Service Land Settlement and Closer Settlement (Amendment).

(c) one shall be appointed on the nomination of the Australian Legion of Ex-Servicemen and Women, New South Wales State Branch.

5 (2) (a) In the case of the illness or absence of any member of a war service land settlement board, the Minister may appoint a deputy to act in the place of such member during his illness or absence, or may
10 direct a member of any other war service land settlement board to so act.

(b) Any deputy appointed or any member directed to act as aforesaid, while acting during the illness or absence of a member, may exercise all the powers and functions of the member in whose place
15 he acts.

(3) Such war service land settlement board as the Minister may direct, either generally or in any particular matter, or the chairman thereof, shall in respect of—

20 (a) applications for land set apart under section three or section 3A of this Act, other than land in the Western Division,

(b) such matters as may be prescribed,
25 exercise within any land district all the powers and functions which, immediately before the date upon which any such direction takes effect, the appropriate local land board or chairman thereof exercised under this or any other Act or regulations thereunder.

30 Any direction given under this subsection—

(i) shall take effect from the date thereof or such later date as the Minister may specify therein;

35 (ii) may make such provision, as the Minister may deem necessary, in respect of matters, the subject of any such direction, pending or uncompleted before the local land board or chairman.

40 (4) Representations of any party (other than the Crown) before a war service land settlement board shall not be otherwise than by the party in person. (5)

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- (5) Subject to this section the provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and regulations thereunder relating to a local land board, or the chairman of a local land board, or the members of a local land board, or any decision or recommendation of any such board, chairman or members, shall apply, mutatis mutandis, to a war service land settlement board, or the chairman of a war service land settlement board or any decision or recommendation of any such board, chairman or members, respectively.
- 5
- 10
3. (1) The Closer Settlement Act, 1904, as amended
15 by subsequent Acts, is amended—
- (a) (i) by inserting in section four at the end of
the definition of "Owner" the words "or,
where the land to be acquired is a tenure
less than the fee-simple without the right to
20 obtain the fee-simple, the holder of the land
to be acquired";
- (ii) by omitting from the same section the defini-
tion of "Private land";
- (b) by omitting from the heading to Part I the word
25 "Private";
- (c) by omitting from section eight the word
"private";
- (d) by omitting from section nine the words "Con-
30 ditional leases under the Crown Lands Acts
shall be treated as incomplete conditional pur-
chases";
- (e) by omitting from the heading to Part II the
word "Private".
- (2) The Closer Settlement (Amendment) Act, 1906,
35 as amended by subsequent Acts, is amended by omitting
from subsection one of section three the word "private".
- Amendment
of Act No.
37, 1904.
Sec. 4.
(Defini-
tions.)
Part I.
(Heading.)
Sec. 8.
(Contract may
be made.)
Sec. 9.
(Deduc-
tions.)
Part II.
(Heading.)
Amendment of
Act No. 44,
1906.
Sec. 3.
(On vesting of
land, lessees
of then owner
to become
tenants of
Minister.)
- (3)

War Service Land Settlement and Closer Settlement (Amendment).

- (3) The Closer Settlement (Amendment) Act, 1912, as amended by subsequent Acts, is amended—
- 5 (a) by omitting from section 4A the word “private” wherever occurring and by inserting in lieu thereof the word “other”;
- (b) by omitting from section five the word “private” wherever occurring and by inserting in lieu thereof the word “other”.
- (4) The Closer Settlement (Amendment) Act, 1918, as amended by subsequent Acts, is amended—
- 10 (a) by omitting from the short heading to section nine the word “private”;
- (b) by omitting from subsection one of section nine the word “private”.
- 15 (5) The Closer Settlement (Amendment) Act, 1919, as amended by subsequent Acts, is amended—
- (a) by omitting from subsection one of section two the word “private”;
- 20 (b) by omitting from subsection one of section ten the word “freehold”.
- (6) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended—
- 25 (a) by omitting from subsection one of section 9A the word “private”;
- (b) by inserting at the end of section 9D the words “or he may at his discretion refuse the application: Provided that the Minister shall not so approve in respect of any such lands which are—
- 30 (i) within a reserve from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts (as defined by the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts); (ii)
- 35

Amendment of Act No. 74, 1912.

Sec. 4A.
(Power to purchase leases.)Sec. 5.
(Disposal of land.)

Amendment of Act No. 48, 1918.

Sec. 9.
(Short heading.)Sec. 9.
(Applications to Minister to acquire lands.)

Amendment of Act No. 46, 1919.

Sec. 2.
(Agreements for purchase by discharged soldiers or sailors.)Sec. 10.
(Vesting on purchase under Part II of Act of 1918.)

Amendment of Act No. 38, 1943.

Sec. 9A.
(Applications to Minister to acquire lands.)Sec. 9D.
(Purchase of land.)

War Service Land Settlement and Closer Settlement (Amendment).

(ii) within a State Forest or timber or forest reserve;

5 (iii) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906-1946:

10 Provided further that the Minister shall not so approve where in his opinion the amount of capital (including shares in any company or any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents is such as to warrant refusal of the application."

4. (1) The War Service Land Settlement Act, 1941, as 15 amended by subsequent Acts, is further amended—

Further amendment of Act No. 43, 1941.

20 (a) by inserting in paragraph (c) of subsection seven of section 8c after the word "waived" the words "In special circumstances and upon conditions approved by 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 the Minister may in any particular case defer repayment of principal 25 moneys or any part thereof and defer or waive payment of interest or any part thereof. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid."

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

30 (b) (i) by inserting at the end of subsection three of section 8d the words "In special circumstances and upon conditions approved by the Minister of State of the Commonwealth for the time being charged with the 35 administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth the Minister may in any particular case defer payment of any instalment

Sec. 8d.
(Assistance period.)

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5 instalment of land purchase money or any part thereof and defer or waive payment of any rent or interest or any part thereof in respect of his occupation of such land. Any such deferment or waiver shall be for such period after the expiration of the assistance period as may be approved as aforesaid.

10 In respect of any discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister.”

15
20 (ii) by omitting paragraph (a) of subsection four of the same section and by inserting in lieu thereof the following paragraph:—

(a) In this section “assistance period” means—

25 (i) in the case of a discharged member of the forces or other eligible person a period of one year following the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;

30
35 (ii) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation of and commences to

War Service Land Settlement and Closer Settlement (Amendment).

to work the land to the satisfaction of the Minister, whichever date is the later:

5

10

15

Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces or other eligible person acquired land disposed of in accordance with section three of this Act "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

(2) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting section 9U and by inserting in lieu thereof the following section:—

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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 or who has been granted a permissive occupancy of land acquired by the Crown under such provisions 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 special circumstances and upon conditions approved by 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 the Minister may in any particular case defer payment of any instalment of land purchase money or any part thereof and defer or waive

Further amendment of Act No. 38, 1943. Subst. sec. 9U. Waiver of certain payments.

War Service Land Settlement and Closer Settlement (Amendment).

5 waive payment of any rent or interest or any part thereof in respect of the occupation of such land. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.

10 In respect of any such discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister.

In this section "assistance period" means—

- 15 (a) in the case of a discharged member of the forces or other eligible person a period of one year following the date on which he enters into occupation of and commences to work the land to the satisfaction of the
20 Minister;
- 25 (b) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation and commences to work the land to the satisfaction of the Minister whichever date is the later:

30 Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces, or other eligible person acquired land under the provisions of this Part of this Act or was
35 granted a permissive occupancy of land acquired by the Crown under such provisions "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

War Service Land Settlement and Closer Settlement (Amendment).

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by omitting section 147N and by inserting in lieu thereof the following section:—

Amendment
of Act No.
7, 1913.
Subst. sec.
147N.

5 147N. Notwithstanding anything in any Act, any
rent or interest becoming due and payable in respect
of the occupation during an assistance period by a
member of the forces, discharged member of the
forces, or other eligible person, of land acquired
10 under this Division of this Part of this Act, shall be
waived. In special circumstances and upon condi-
tions approved by the Minister of State of the
Commonwealth for the time being charged with the
administration of Part VII of the Re-establishment
15 and Employment Act 1945 of the Commonwealth the
Minister may in any particular case defer or waive
payment of any rent or interest or any part thereof
in respect of the occupation of such land by a mem-
ber of the forces, discharged member of the forces,
20 or other eligible person. Any such deferment or
waiver shall be for such period after the expiration
of such assistance period as may be approved as
aforesaid.

Waiver of
certain
payments.

In this section "assistance period" means—

- 25 (a) in the case of a discharged member of the
forces or other eligible person a period of
one year following the date on which he
enters into occupation of and commences to
work the land to the satisfaction of the
30 Minister;
- (b) in the case of a member of the forces a
period of one year following the date on
which he is issued with a qualification certi-
35 ficate as a discharged member of the forces
or the date on which he enters into occupa-
tion of and commences to work the land to
the satisfaction of the Minister whichever
date is the later.

(4)

War Service Land Settlement and Closer Settlement (Amendment).

(4) (a) Subsections one and two of this section shall be deemed to have commenced on the seventeenth day of November, one thousand nine hundred and forty-seven.

5 (b) Subsection three of this section shall be deemed to have commenced on the twenty-first day of May, one thousand nine hundred and forty-eight.

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

Further amendment of Act No. 43, 1941. New sec. 3A.

10 (a) by inserting next after section three the following new section:—

15 3A. (1) The Minister may, by notification published in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, or any of those Acts as amended by subsequent Acts, or otherwise, to be disposed of otherwise than in accordance with section 20 three of this Act under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, exclusively to any one or more of the following classes of persons:—

Further provision for setting apart areas for selection by members or discharged members of the forces or discharged soldiers or other eligible persons.

- 25 (a) members of the forces;
- (b) discharged members of the forces;
- (c) discharged soldiers;
- (d) other eligible persons.

30 Any notification under this section may be amended or revoked by the Minister by a notification published in the Gazette.

35 "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) An application for any land set apart under this section shall be made in the form and manner prescribed.

(3)

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subsections (1A), (1B) and five of section three of this Act shall apply, mutatis mutandis, in respect of land set apart and applications under this section.

- 5 (b) by inserting in paragraph (a) of subsection one of section five after the word "three" the words and symbols "or section 3A";
- (c) by inserting in section eight after the word "three" the words and symbols "or section 3A."

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

Sec. 8.
(Previous holding not to disqualify in certain cases.)

- 10 6. (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by omitting section forty-nine and by inserting in lieu thereof the following section:—

Further amendment of Act No. 37, 1904.
Subst. sec. 49.

- 15 49. (1) The holder of any settlement purchase, settlement purchase lease, group purchase lease or closer settlement lease, who shall fence his purchase or lease, may demand and enforce from the owner of adjoining lands or the holder from the Crown of any adjoining purchase, lease, homestead selection or homestead grant a contribution towards the cost of such fencing to the extent of one-half of the appraised value thereof, but so far only as such fencing marks a common boundary line or forms a common boundary fence; and while such fencing is maintained in good repair and condition by such person, every owner of adjoining lands or holder as aforesaid shall be and remain liable as a contributory towards the cost of so maintaining such fence to the extent of one-half the cost thereof:

Contributions to cost of erection and maintenance of boundary fences.

- 30 Provided that the holder of a closer settlement lease shall obtain the approval of the Minister before demanding a contribution under this section:

- 35 Provided further that no holder of any lease having less than five years to run shall be liable as a contributory under this section towards the original cost of fencing but shall be liable as a contributory towards the cost of maintaining such fencing.

War Service Land Settlement and Closer Settlement (Amendment).

5 (2) For the purposes of subsection one of this section and without limiting the generality of such subsection the holder of a closer settlement lease shall be deemed to have fenced his lease where the land comprised therein was fenced either before or after disposal of such land to such holder as a closer settlement lease, and either at the expense of the Crown or such holder or partly at the expense of the Crown and partly at the expense of such holder.

10 (2) The Pastures Protection Act, 1934, as amended by subsequent Acts, is amended— Amendment of Act No. 35, 1934.

(a) by inserting next after subsection one of section one hundred and twenty-three the following new subsection:— Sec. 123. (Contribution to the cost of rabbit, dog or marsupial proof fence.)

15 (1A) For the purposes of subsection one of this section, and without limiting the generality of such subsection, the boundary, or any part thereof, of any holding comprising land disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall be deemed to have been fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or a fence on such boundary, or part thereof, shall be deemed to have been made rabbit-proof, dog-proof, or marsupial-proof, at the expense of the owner of such holding where such boundary or part thereof was fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or where a fence on such boundary or part thereof was made rabbit-proof, dog-proof, or marsupial-proof either before or after disposal of such land to such owner, and either at the expense of the Crown or such owner or partly at the expense of the Crown and partly at the expense of such owner:

Provided

War Service Land Settlement and Closer Settlement (Amendment).

5 Provided that such owner shall not give the prescribed notice of demand under paragraph (a) of subsection five of this section except with the approval of the Minister, or, in the case of lands within an irrigation area, the Minister charged with the administration of the Irrigation Act, 1912-1946.

10 (b) by inserting at the end of subsection eight of the same section the words "or in the case of an owner of a holding disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IVa of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, then within twelve months after the completion of the work for which contribution is claimed or within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, whichever is the later."

(3) Subsections one and two of this section shall be deemed to have commenced on the seventeenth day of 25 January, one thousand nine hundred and forty-six.

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

Amendment of Act No. 12, 1907.

30 (a) (i) by inserting in paragraph (a) of subsection four of section four next after the word "exceed" where secondly occurring the words "by more than fifteen per centum";

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

35 (ii) by omitting from paragraph (b) of the same subsection the words "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

War Service Land Settlement and Closer Settlement (Amendment).

improvements effected on such land since that date” and by inserting in lieu thereof the words “the following provisions shall apply:—

- 5 (i) in the case of any such resumption
where the owner has agreed not to
claim compensation in excess of the
value of the land as assessed by an
10 advisory board the value of the land
as so assessed shall not exceed by
more than fifteen per centum the value
which would have been so assessed
or determined in respect of an
15 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;
- 20 (ii) in the case of any such resumption
other than a resumption where the
owner has agreed not to claim
compensation in excess of the value
of the land as assessed by an
25 advisory board, 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
30 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”;
- 35 (b) by omitting from paragraph (f) of subsection
seven of section five the words “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
40 an identical purchase or resumption as at the
tenth

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

War Service Land Settlement and Closer Settlement (Amendment).

tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date," and by inserting in lieu thereof the words "the following provisions shall apply:—

(i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed 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;

(ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph 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."

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

Further amendment of Act No. 38, 1943.

(a) by inserting in section 9B next after the word "exceed" the words "by more than fifteen per centum";

Sec. 9B. (Valuation.)

(b)

War Service Land Settlement and Closer Settlement (Amendment).

(b) by inserting in section 91 next after the word "exceed" the words "by more than fifteen per centum." Sec. 91.
(Valuation.)

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

(a) by inserting in section 147E after the word "exceed" the words "by more than fifteen per centum"; Sec. 147E.
(Valuation.)

10 (b) by omitting from subsection three of section one hundred and ninety-seven the words "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, excepting the value of any improvements effected on such land since that date" and by inserting in lieu thereof the words "Provided that—

20 (a) in the case of any purchase, or any resumption where the owner has agreed not to claim payment in excess of the price determined by the local land board, the price so determined shall not exceed by more than fifteen per centum the amount which the local land board 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;

30 (b) in the case of any resumption, other than a resumption where the owner has agreed not to claim payment in excess of the price determined by the local

War Service Land Settlement and Closer Settlement (Amendment).

land board, 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, excepting the value of any improvements effected on such land since that date."

8. (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 inserting at the end of section 3A the words "Provided that where by the operation of the foregoing provisions the amount upon which the annual rent is calculated in accordance with section three of this Act is increased in excess of the fair market value of the land as determined by an advisory board as at the date of application for conversion, calculated on a freehold basis, inclusive of all improvements, such excess shall thereupon be waived and the annual rent shall be two and one-half per centum of the fair market value as so determined";

Sec. 3A.
(Certain debts to Crown may be taken into account for purposes of calculating annual rent.)

(b) by inserting at the end of subsection two of section seven the following new paragraph:—

Sec. 7.
(Setting apart of land.)

(d) A notification under paragraph (a) of this subsection may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the incoming tenant.

(c)

War Service Land Settlement and Closer Settlement (Amendment).

- (c) (i) by omitting subsection one of section nine and by inserting in lieu thereof the following subsection:—

Sec. 9.
(Closer Settlement leases.)

5 (1) The title to a closer settlement lease shall be a lease in perpetuity.

10 Where the application for the closer settlement lease was allowed by the local land board before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, the title shall commence from the date of such application, if valid.

15 Where the application for the closer settlement lease is allowed by the local land board after the commencement of such Act, the title shall commence from the date of such allowance;

- 20 (ii) by omitting from paragraph (b) of subsection two of the same section the word "six" and by inserting in lieu thereof the word "three";

- (d) by inserting at the end of section 9A the following new subsections:—

Sec. 9A.
(Applications to Minister to acquire private lands.)

25 (5) The application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, may with the consent of the owner and the approval of the Minister be varied by including therein additional land or excluding therefrom part of the lands included therein or by increasing or decreasing the price specified in the application.

30 (6) The consent of the owner under subsection one of this section whether given before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, and the consent of the owner under subsection five of this section, shall not be withdrawn before the expiration of sixty

35 days

War Service Land Settlement and Closer Settlement (Amendment).

- days after such owner has given to the Minister notice in writing of his intention to so withdraw: Provided that in no case shall such consent be withdrawn after the Minister has approved of the purchase.
- 5
- (e) by omitting from section 9B the words "such lands" and by inserting in lieu thereof the words "the lands the subject of such application";
- 10
- (f) by inserting in section 9D next after the word "made" where firstly occurring the words "or varied";
- (g) by omitting from section 9DA the words "Where, under section 9A of this Act an application has been made to the Minister to acquire any lands and the Minister has approved of the purchase of such lands" and by inserting in lieu thereof the words "Where the Minister has approved of the purchase of lands";
- 15
- (h) (i) by inserting at the end of paragraph (a) of subsection one of section 9F the following words and paragraph "Any lands deemed by the Minister to be necessary for roads, or any purpose which he considers to be a community purpose or a public purpose may be excluded from the farms, and any adjacent Crown lands may be included in such farms.
- 20
- (a1) The subdivision may be made into farms before the farms are measured, and in such case the farms may be notified under paragraph (c) of this subsection according to the design thereof";
- 25
- (ii) by inserting next after paragraph (d) of the same subsection the following new paragraph:—
- 30
- (d1) Where a farm has been measured after publication in the Gazette of a notification under paragraph (c) of this
- 35

War Service Land Settlement and Closer Settlement (Amendment).

5 this subsection any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the person in whom the farm has been vested.

10 (iii) by inserting next after paragraph (e) of the same subsection the following new paragraph:—

15 (f) any lands deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are excluded from the farms under paragraph (a) of this subsection may be retained by the Crown either permanently or for a limited period, and the Minister may
20 expend moneys necessary to maintain adequately such lands and the improvements thereon, and, if necessary, to replace improvements on such lands during such time as they
25 are retained by the Crown. The Minister may grant permits to occupy such lands or any part thereof, upon such terms and conditions as to him may seem fit, or may otherwise
30 dispose of such lands under the Closer Settlement Acts.

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

35 (a) by omitting from the definition of "The war" in section two the words "this Act" and by inserting in lieu thereof the words and figures "the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945";

Further amendment of Act No. 43, 1941. Sec. 2. (Definitions.)

(b)

War Service Land Settlement and Closer Settlement (Amendment).

(b) by omitting from section 8B the words "Pro-
vided 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
5 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
10 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
15 next succeeding the day on which the improve-
ments or erection of the dwelling, as the case
may be, were completed" and by inserting in
lieu thereof the words "Provided that where
the improvements or the roads of access or the
20 preparation otherwise of the farms, blocks or
areas for settlement or the erection of the dwell-
ing are or is completed after disposal or vesting
of the land, as the case may be, the holder shall
become liable to the Crown for all payments in
25 respect thereof, and in like manner, as he would
have been required by law to make if such im-
provements or roads of access or the prepara-
tion otherwise of the farms, blocks or areas for
settlement or the erection of the dwelling had
30 been completed 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
35 holder's title to the holding had commenced on
the day next succeeding the day on which the im-
provements or the roads of access, or the pre-
paration otherwise of the farms, blocks or areas
for settlement, or erection of the dwelling, as
40 the case may be, were completed. Any necessary
adjustment shall be made as to the capital value
and

Sec. 8B.
(Develop-
ment of
lands for
War Service
Land Settle-
ment.)

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and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the holder”;

- 5 (c) (i) by inserting at the end of subsection two of section 8c the following words and new subsection “to such discharged member of the forces or other eligible person.

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

10 (2A) The Minister may permit the transfer of any such advances made to a discharged member of the forces or other eligible person under subsection one or two of this section to any other discharged member of the forces or other eligible person with respect to any land owned or leased by such person.”

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

20 (3) The Minister may purchase and dispose of such livestock, nursery stock for planting purposes, plant, equipment and implements as he may deem necessary for the purposes of this Act: Provided that he shall not purchase livestock in excess of current requirements. Any advances made or transferred to a discharged member of the forces, or other eligible person under the provisions of subsection one, two or (2A) of this section may be applied by such discharged member of the forces or other eligible person in acquiring any such livestock, nursery stock for planting purposes, plant, equipment or implements from the Minister.

25 The powers conferred on the Minister by this subsection shall be deemed to include the power to do all things which he considers necessary for the care or maintenance of any such livestock, nursery stock for

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for planting purposes, plant, equipment or implements from the time of their purchase to the time of their disposal by him.

5 (d) (i) by inserting in subsection one of section 8DD next after the word "two" the word "three"; Sec. 8DD. (Delegation of powers.)

(ii) by omitting from the same subsection the words "subsection one of" and by inserting in lieu thereof the words "subsections one, three and four of".

10 (e) by inserting next after section 8F the following new section:— New sec. 8G.

15 8G. The Under Secretary and any other prescribed officer shall have power on behalf of the Minister to deal with such matters as may from time to time be prescribed; and, where in pursuance of this section a decision is given by the Under Secretary or such other officer on behalf of the Minister it shall have the same effect as if given by the Minister in person. The Under-Secretary and prescribed officer may deal with certain matters on behalf of the Minister.

25 (3) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by inserting in section twenty-eight next after the words "such board" the words "Provided that in determining which of the applicants are more eligible such board shall take into consideration the amount of capital (including shares in any company and any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents and where by reason of such holding of such capital the board is of the opinion that such applicant is less in need of land than any other applicant it shall deem him to be less eligible." Further amendment of Act No. 37, 1904. Sec. 28. (Applications, inquiry, and disposal by land board, appeal barred.)

35 (4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is further amended— Further amendment of Act No. 12, 1907.

(a) by inserting at the end of section three the following new subsection:— Sec. 3. (Report by board.)

(4) Where an advisory board is required by the Closer Settlement Acts to report upon the estimated

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- 5 estimated value or to make a valuation of any lands which are held under homestead selection, homestead grant, or lease in perpetuity title (other than closer settlement lease, settlement purchase lease or group purchase lease) the capital value or annual rent of which is not subject to reappraisal the board may for the purpose of arriving at such estimated value or making such valuation deduct from the freehold value of the land as determined by the board an amount arrived at by capitalising the annual rent of such homestead selection, homestead grant, or lease in perpetuity title, at such rate as may be prescribed.
- 10
- 15 (b) (i) by omitting from paragraph (a) of subsection one of section four the words "failing such agreement";
 (ii) by inserting at the end of subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board."
- 20
- 25 (c) by inserting next after section fifteen the following new section:—
 15A. All or any reasonable costs incurred by a vendor in respect of a purchase of land by the Crown under the Closer Settlement Acts may, subject to taxation by the Prothonotary of the Supreme Court, be paid by the Crown, if the Minister so approves: Provided that the total amount of such costs shall not in any case exceed fifty pounds.
- 30
- 35 (5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—
 (a) (i) by inserting in section one hundred and twenty-four after the word "land" where secondly occurring the words "or any lands acquired under the Closer Settlement Acts or otherwise";
 (ii)
- 40

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

New sec. 15A.

Payment of costs.

Further amendment of Act No. 7, 1913.

Sec. 124.
 (Suburban holding areas.)

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

5 (5) The Minister may notify in the Gazette that the said blocks are made available for the purpose of erecting dwellings thereon.

10 (b) (i) by inserting at the end of paragraph (b) of section 129B the words "Provided that no such determination of value shall be made where the application is in respect of a suburban holding of a block notified by the Minister under section one hundred and twenty-four of this Act as made available for the purpose of erecting a dwelling thereon."

Sec. 129B.
(Purchase
of suburban
holdings.)

15 (ii) by omitting paragraph (f) of the same section and by inserting in lieu thereof the following paragraph:—

20 (f) (i) Where the value of the land has been determined by the local land board under paragraph (b) of this section the applicant, if dissatisfied with the value so determined, may, within one month after such determination, withdraw his application upon payment of costs as assessed by the board.

30 (ii) Where such value has not been so determined the price of the land shall be the capital value of the suburban holding as the same may have been determined by the local land board, otherwise than under paragraph (b) of this section, or if not so otherwise determined, such capital value as may have been duly notified in that behalf:
35 Provided that where any areas are excluded under paragraph (d) of this section the price shall be such capital value as may be determined by the local land board. Such capital

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capital value shall be determined as at the date of commencement of title to the suburban holding.

- 5 (c) by inserting at the end of subsection one of section one hundred and forty-five the words:—
 “This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area.”
- 10 (d) by inserting at the end of subsection three of section one hundred and fifty-eight the following word and new paragraph “or
 (c) owns or holds under any tenure—other than a lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still be exercised—any land suitable for residential purposes situated within any area which may be specified in the notification setting the land apart for disposal by way of suburban holdings”;
- 15
 20
- 25 (e) by inserting in subsection four of section one hundred and seventy-eight next after the word “pounds” the words “or where the area is of a greater unimproved value than three hundred pounds and the Minister is of the opinion that such dispensation is desirable to assist the holder to borrow money to be applied towards the erection of a dwelling on such area”;
- 30 (f) by omitting from section two hundred and four the words “rent or license fee” where secondly occurring and by inserting in lieu thereof the words “lease or license unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture was declared before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.”
- 35

(6)

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(6) The Prickly-pear Act, 1924, as amended by subsequent Acts, is amended by inserting at the end of section twenty-two the following new subsection:—

Amendment
of Act No.
31,1924.
Sec. 22.

5 (6) No forfeiture under this section of any lease shall operate to extinguish any debt to the Crown in respect of such lease unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the lease was forfeited before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.

(For-
feiture.)

10 (7) (a) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the third day of April, one thousand nine hundred and forty-five.

15 (b) Paragraphs (b) and (h) of subsection one, paragraphs (a) and (b), subparagraph (i) of paragraph (c) and paragraph (e) of subsection two, and subparagraph (i) of paragraph (b) of subsection four of this section shall be deemed to have commenced on the
20 seventeenth day of January, one thousand nine hundred and forty-six.

9. (1) The application made by Charles Leslie Sadler Falkiner on the seventh day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of
25 portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby disallowed.

Disallowance
of an appli-
cation for a
closer settle-
ment lease
and allowance
of another
application.

(2) The decision of the local land board given at Gundagai on the second day of June, one thousand nine hundred and forty-eight, allowing such application is
30 hereby declared to be null and void.

(3) The land comprised in the said portion shall revert in the Crown for the like estate and interest as the Crown had in such land immediately prior to such decision.

35 (4) (a) If the said Charles Leslie Sadler Falkiner or any other person refuses to give up possession of the said land or hinders the Minister or any person acting on behalf

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behalf of the Minister from entering upon or taking possession of the said land for and on behalf of the Crown, the Minister may issue a warrant to the sheriff to deliver possession of the same to the person appointed
5 in such warrant to receive the same.

(b) Upon receipt of such warrant the sheriff shall deliver possession of the said land accordingly and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the sheriff, shall be paid
10 by the person refusing to give possession, and the amount of such costs shall be payable to the Minister by and be recoverable from such person.

(5) No compensation shall be payable to the said Charles Leslie Sadler Falkiner or to any other person in
15 respect of the divesting of any estate or interest by this section or in respect of the performance of any act authorised by this section.

(6) The application made by William John Elworthy on the eighth day of April, one thousand nine
20 hundred and forty-eight, for a closer settlement lease of the said portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby allowed, and title to such closer settlement lease shall commence on a date
25 to be appointed by the Minister and notified in the Gazette. Such closer settlement lease shall be subject to the general provisions of the Closer Settlement Acts and regulations thereunder relating to closer settlement leases, to the general conditions and restrictions imposed
30 by such Acts and regulations in respect of closer settlement leases, and to the special conditions notified in the Gazette of the twenty-seventh day of February, one thousand nine hundred and forty-eight, in respect of a closer settlement lease of such portion.

35 (7) The provisions of this section shall have effect notwithstanding anything in any Act contained.

