

New South Wales.



ANNO QUARTO DECIMO

GEORGI VI REGIS.

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Act No. 27, 1950.

An Act to make further provision in relation to the conversion of certain tenures into other tenures; to provide for the representation of parties before war service land settlement boards in certain cases; to extend the provisions relating to the forfeiture of certain holdings; to exclude certain tenures from the definition of "Crown lands" in section three of the Mining Act, 1906-1946; for these and other purposes to amend the Closer Settlement Amendment (Conversion) Act, 1943, the War Service Land Settlement Act, 1941, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 16th May, 1950.]

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

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

Short title. **1.** This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1950."

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

Sec. 2. (a) by omitting from subsection one of section two (Conversion). the word "forty-six" and by inserting in lieu thereof the word "fifty-one";

Sec. 5. (b) by omitting from subsection one of section five (Reduction of rent.) the word "forty-six" and by inserting in lieu thereof the word "fifty-one".

Amendment of Act No. 66, 1941. (2) The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by inserting next after subsection two of section three the following new subsection:—

Sec. 3. (Waiver of interest and rent.)

(2A) The provisions of subsection one of this section relating to interest shall apply to and in respect of any application by any person who is an applicant for the conversion of any settlement purchase or soldiers' group purchase into a lease in perpetuity under section two of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, where such application for conversion is made after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1950.

For the purposes of the application of the provisions of subsection one of this section as aforesaid subsection two of this section shall be deemed to be amended by omitting the word "forty-six" wherever occurring and by inserting in lieu thereof the word "fifty-one."

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

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

Further amendment of Act No. 38, 1943.

- (a) (i) by omitting from the matter relating to Part I in subsection four of section one the letter and figure "s. 1" and by inserting in lieu thereof the letters and figures "ss. 1-1A";
- (ii) by inserting in the matter relating to Part II in the same subsection after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- (b) by inserting next after the same section the following new section:—

Sec. 1.

(Short title, commencement and division into Parts.)

New sec. 1A.

1A. In this Act unless the context or subject matter otherwise indicates or requires—

Interpretation.

"Tender purchase" means a purchase by tender from the Crown of any land specified in the Schedule to this Act;

- (c) by inserting in the heading to Part II after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- (d) (i) by inserting in subsection one of section two after the word "thirty-seven" the words "or of any tender purchase";
- (ii) by inserting in subsection five of the same section after the word "purchase" where firstly occurring the words "or tender purchase";
- (iii) by inserting in subsection eight of the same section after the word "purchase" where secondly occurring the words "or tender purchase";
- (e) (i) by inserting in paragraph (a) of subsection one of section three after the word "purchase" where secondly occurring the words "or tender purchase";

Part II.

(Short heading.)

Sec. 2.

(Conversion.)

Sec. 3.

(Annual rent.)

(ii)

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

- (ii) by inserting in subsection two of the same section after the word "purchase" where thirdly occurring the words "or tender purchase";
- Sec. 15.  
(Forfeiture of leases subject to securities held by Rural Bank.)  
Schedule.
- (f) by inserting in section fifteen after the word "purchase" where firstly, ninthly, thirteenthly, fifteenthly and seventeenthly occurring the words "or tender purchase";
- (g) by inserting at the end thereof the following Schedule:—

Sec. 1A.

## SCHEDULE.

Land District.	County.	Parish.	Portion Numbers.	Area.
				a. r. p.
Young	Monteagle	Baxter ...	196	60 2 0
Young	Monteagle	Burrangong ...	302, 303	93 1 10
Young	Monteagle	Burrangong ...	70, 318	64 0 35
Young	Monteagle	Wambanumba	392, 393	128 2 0
Young	Monteagle	Baxter ...	191, 209	78 2 0
Young	Harden	Wilkie ...	299	59 3 0

Further amendment of Act No. 38, 1943.

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

New sec. 2A.

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

Conversion of settlement purchases taken up on or after 15th December, 1937.

2A. (1) Subject to regulations made under the Closer Settlement Acts in that regard the holder or the owner (subject to mortgage) of any settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven, may apply within the time prescribed by such regulations to convert such purchase into a lease in perpetuity.

(2)

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

(2) The provisions of subsections two, three, four, five, seven and eight of section two of this Act shall apply to and in respect of an application under this section.

(3) The annual rent for a settlement purchase lease which is a conversion of a settlement purchase under this section shall be as prescribed by regulations made under the Closer Settlement Acts.

(4) Save as provided in this section or in regulations made under the Closer Settlement Acts, the general provisions of this Act relating to settlement purchase leases shall apply to settlement purchase leases which are conversions of settlement purchases under this section.

- (b) by inserting in subsection one of section three next after the word "lease" where firstly occurring the words "(other than a settlement purchase lease which is a conversion of a settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven)."

Sec. 3.  
(Annual  
rent.)

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

Further  
amendment  
of Act No.  
38, 1943.

- (i) by inserting in paragraph (a) of subsection one of section 9F after the word "purpose" where thirdly occurring the words "or any lands which the Minister considers should be excluded for any reason";

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

- (ii) by omitting from paragraph (f) of the same subsection the words "deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are".

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

Amendment  
of Act No.  
43, 1941.

Sec. 2A.  
(War Ser-  
vice Land  
Settlement  
Boards.)

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

(a) (i) by inserting in subsection four of section 2A after the word “not” the words “where the matter before the board is an application for land set apart under section three or section 3A of this Act”;

(ii) by omitting from subsection five of the same section the words “or any decision or recommendation of any such board, chairman or members,” wherever occurring;

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

(6) The provisions of section seven of the Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision or recommendation or report of any war service land settlement board, or chairman of a war service land settlement board, and the provisions of section nineteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision, other than a decision in respect of an application for land set apart under section three or section 3 of this Act, or recommendation or report as aforesaid.

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

(b) by omitting subsection six of section 8c and by inserting in lieu thereof the following subsections:—

(6) Where the Minister is of opinion that any moneys advanced under this Act, or any advances transferred under this section, have not been applied for the purpose for which such moneys were advanced or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this

Act

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

Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may refuse to pay any further instalments of the advance, or to make any further advances, and, if he so declares by a notification in the Gazette all moneys already advanced or all advances transferred, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

(6A) Where the Minister is of opinion after report by a war service land settlement board that any moneys advanced under this Act or any advances transferred under this section have not been applied for the purpose for which such moneys were advanced, or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may by notification in the Gazette declare such land forfeited to the Crown, together with all moneys paid thereon and all improvements on the land.

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

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

- (3) (a) The Mining Act, 1906-1946, is amended—
- (i) by omitting from paragraph (a) of the definition of "Crown lands" in section three the word and symbols

Amendment  
of Act No.  
49, 1906.

Sec. 3.  
(Interpreta  
tion.)

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

symbols "paragraph (f)" and by inserting in lieu thereof the words and symbols "paragraphs (f) and (h)";

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

(h) lands subject to a lease granted under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts.

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the sixth day of March, one thousand nine hundred and forty-four.

Amendment  
of Act No.  
12, 1907.  
Sec. 4.

(4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by inserting at the end of section four the following new subsection:—

(Power to  
purchase or  
resume  
land.)

(5) Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court relates to any land which forms part of the land described in the Schedules to the Murrumbidgee Irrigation Area Resumption Act, 1910, as amended by subsequent Acts, such board or the Land and Valuation Court as the case may be, in arriving at such price or value, shall exclude any added value which after the commencement of the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, may have accrued or may accrue to the land from the construction of any works under such lastmentioned Act.

Amendment  
of Act No.  
7, 1913.  
Sec. 145.

(Conversion  
of I.F.L.  
to I.F.P.,  
etc.)

(5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by inserting at the end of subsection one of section one hundred and forty-five the words and figures "or to an irrigation farm lease or a non-irrigable lease granted in respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts."

By Authority:

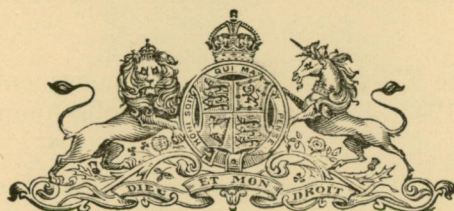
ALFRED HENRY PETTIFER, Government Printer, Sydney, 1950.  
[3d.]



*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 9 May, 1950.*

## New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

\*\*\*\*\*

Act No. 27, 1950.

**An Act** to make further provision in relation to the conversion of certain tenures into other tenures; to provide for the representation of parties before war service land settlement boards in certain cases; to extend the provisions relating to the forfeiture of certain holdings; to exclude certain tenures from the definition of "Crown lands" in section three of the Mining Act, 1906-1946; for these and other purposes to amend the Closer Settlement Amendment (Conversion) Act, 1943, the War Service Land Settlement Act, 1941, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 16th May, 1950.]

BE

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

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

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

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**B**E 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, 1950."

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

Sec. 2.                      (a) by omitting from subsection one of section two (Conversion).                      the word "forty-six" and by inserting in lieu thereof the word "fifty-one";

Sec. 5.                      (b) by omitting from subsection one of section five (Reduction of rent.)                      the word "forty-six" and by inserting in lieu thereof the word "fifty-one".

Amendment of Act No. 66, 1941.      (2) The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by inserting next after subsection two of section three the following new subsection:—

Sec. 3.                      (Waiver of interest and rent.)

(2A) The provisions of subsection one of this section relating to interest shall apply to and in respect of any application by any person who is an applicant for the conversion of any settlement purchase or soldiers' group purchase into a lease in perpetuity under section two of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, where such application for conversion is made after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1950.

For the purposes of the application of the provisions of subsection one of this section as aforesaid subsection two of this section shall be deemed to be amended by omitting the word "forty-six" wherever occurring and by inserting in lieu thereof the word "fifty-one."

**3.**

War Service Land Settlement and Closer Settlement (Amendment).

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

Further amendment of Act No. 38, 1943.

- (a) (i) by omitting from the matter relating to Part I in subsection four of section one the letter and figure "s. 1" and by inserting in lieu thereof the letters and figures "ss. 1-1A"; Sec. 1.  
(Short title, commencement and division into Parts.)
- (ii) by inserting in the matter relating to Part II in the same subsection after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- (b) by inserting next after the same section the following new section:— New sec. 1A.
- 1A. In this Act unless the context or subject matter otherwise indicates or requires— Interpretation.
- "Tender purchase" means a purchase by tender from the Crown of any land specified in the Schedule to this Act;
- (c) by inserting in the heading to Part II after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES"; Part II.  
(Short heading.)
- (d) (i) by inserting in subsection one of section two after the word "thirty-seven" the words "or of any tender purchase"; Sec. 2.  
(Conversion.)
- (ii) by inserting in subsection five of the same section after the word "purchase" where firstly occurring the words "or tender purchase";
- (iii) by inserting in subsection eight of the same section after the word "purchase" where secondly occurring the words "or tender purchase";
- (e) (i) by inserting in paragraph (a) of subsection one of section three after the word "purchase" where secondly occurring the words "or tender purchase"; Sec. 3.  
(Annual rent.)
- (ii)

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

- (ii) by inserting in subsection two of the same section after the word "purchase" where thirdly occurring the words "or tender purchase";
- Sec. 15. (Forfeiture of leases subject to securities held by Rural Bank.)  
Schedule. (f) by inserting in section fifteen after the word "purchase" where firstly, ninthly, thirteenthly, fifteenthly and seventeenthly occurring the words "or tender purchase";
- (g) by inserting at the end thereof the following Schedule:—

## SCHEDULE.

Land District.	County.	Parish.	Portion Numbers.	Area.
				a. r. p.
Young	Monteagle	Baxter ...	196	60 2 0
Young	Monteagle	Burrangong ...	302, 303	93 1 10
Young	Monteagle	Burrangong ...	70, 318	64 0 35
Young	Monteagle	Wambanumba	392, 393	128 2 0
Young	Monteagle	Baxter ...	191, 209	78 2 0
Young	Harden	Wilkie ...	299	59 3 0

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

- New sec. 2A. (a) by inserting next after section two the following new section:—

Conversion of settlement purchases taken up on or after 15th December, 1937.

2A. (1) Subject to regulations made under the Closer Settlement Acts in that regard the holder or the owner (subject to mortgage) of any settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven, may apply within the time prescribed by such regulations to convert such purchase into a lease in perpetuity.

(2)

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

(2) The provisions of subsections two, three, four, five, seven and eight of section two of this Act shall apply to and in respect of an application under this section.

(3) The annual rent for a settlement purchase lease which is a conversion of a settlement purchase under this section shall be as prescribed by regulations made under the Closer Settlement Acts.

(4) Save as provided in this section or in regulations made under the Closer Settlement Acts, the general provisions of this Act relating to settlement purchase leases shall apply to settlement purchase leases which are conversions of settlement purchases under this section.

- (b) by inserting in subsection one of section three next after the word "lease" where firstly occurring the words "(other than a settlement purchase lease which is a conversion of a settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven)."
- Sec. 3.  
(Annual  
rent.)

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

Further  
amendment  
of Act No.  
38, 1943.

- (i) by inserting in paragraph (a) of subsection one of section 9F after the word "purpose" where thirdly occurring the words "or any lands which the Minister considers should be excluded for any reason";
- Sec. 9F.  
(Vesting of  
land in  
applicant.)

- (ii) by omitting from paragraph (f) of the same subsection the words "deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are".

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

Amendment  
of Act No.  
43, 1941.

Sec. 2A.  
(War Ser-  
vice Land  
Settlement  
Boards.)

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

(a) (i) by inserting in subsection four of section 2A after the word “not” the words “where the matter before the board is an application for land set apart under section three or section 3A of this Act”;

(ii) by omitting from subsection five of the same section the words “or any decision or recommendation of any such board, chairman or members,” wherever occurring;

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

(6) The provisions of section seven of the Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision or recommendation or report of any war service land settlement board, or chairman of a war service land settlement board, and the provisions of section nineteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision, other than a decision in respect of an application for land set apart under section three or section 3A of this Act, or recommendation or report as aforesaid.

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

(b) by omitting subsection six of section 8c and by inserting in lieu thereof the following subsections:—

(6) Where the Minister is of opinion that any moneys advanced under this Act, or any advances transferred under this section, have not been applied for the purpose for which such moneys were advanced or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act

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

Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may refuse to pay any further instalments of the advance, or to make any further advances, and, if he so declares by a notification in the Gazette all moneys already advanced or all advances transferred, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

(6A) Where the Minister is of opinion after report by a war service land settlement board that any moneys advanced under this Act or any advances transferred under this section have not been applied for the purpose for which such moneys were advanced, or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may by notification in the Gazette declare such land forfeited to the Crown, together with all moneys paid thereon and all improvements on the land.

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

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

- (3) (a) The Mining Act, 1906-1946, is amended—
- (i) by omitting from paragraph (a) of the definition of "Crown lands" in section three the word and symbols

Amendment  
of Act No.  
49, 1906.

Sec. 3.  
(Interpreta-  
tion.)

War Service Land Settlement and Closer Settlement (Amendment).

symbols "paragraph (f)" and by inserting in lieu thereof the words and symbols "paragraphs (f) and (h)";

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

(h) lands subject to a lease granted under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts.

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the sixth day of March, one thousand nine hundred and forty-four.

Amendment  
of Act No.  
12, 1907.  
Sec. 4.

(Power to  
purchase or  
resume  
land.)

(4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by inserting at the end of section four the following new subsection:—

(5) Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court relates to any land which forms part of the land described in the Schedules to the Murrumbidgee Irrigation Area Resumption Act, 1910, as amended by subsequent Acts, such board or the Land and Valuation Court as the case may be, in arriving at such price or value, shall exclude any added value which after the commencement of the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, may have accrued or may accrue to the land from the construction of any works under such lastmentioned Act.

Amendment  
of Act No.  
7, 1913.  
Sec. 145.  
(Conversion  
of I.F.L.  
to I.F.P.,  
etc.)

(5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by inserting at the end of subsection one of section one hundred and forty-five the words and figures "or to an irrigation farm lease or a non-irrigable lease granted in respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts."

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

K. W. STREET,

*By deputation from His Excellency the Governor.*

*Government House,  
Sydney, 16th May, 1950.*



*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, 4 May, 1950.*

## New South Wales.



ANNO QUARTO DECIMO

GEORGII VI REGIS.

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Act No. , 1950.

An Act to make further provision in relation to the conversion of certain tenures into other tenures; to provide for the representation of parties before war service land settlement boards in certain cases; to extend the provisions relating to the forfeiture of certain holdings; to exclude certain tenures from the definition of "Crown lands" in section three of the Mining Act, 1906-1946; for these and other purposes to amend the Closer Settlement Amendment (Conversion) Act, 1943, the War Service Land Settlement Act, 1941, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith.

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

**B**E 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, 1950." Short title.
2. (1) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended— Amendment of Act No. 38, 1943.
- 10 (a) by omitting from subsection one of section two the word "forty-six" and by inserting in lieu thereof the word "fifty-one"; Sec. 2. (Conversion).
- 15 (b) by omitting from subsection one of section five the word "forty-six" and by inserting in lieu thereof the word "fifty-one". Sec. 5. (Reduction of rent.)
- (2) The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by inserting  
 20 next after subsection two of section three the following new subsection:— Amendment of Act No. 66, 1941. Sec. 3. (Waiver of interest and rent.)
- 25 (2A) The provisions of subsection one of this section relating to interest shall apply to and in respect of any application by any person who is an applicant for the conversion of any settlement purchase or soldiers' group purchase into a lease in perpetuity under section two of the Closer Settlement Amendment (Conversion) Act, 1943, as  
 30 amended by subsequent Acts, where such application for conversion is made after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1950.
- 35 For the purposes of the application of the provisions of subsection one of this section as aforesaid subsection two of this section shall be deemed to be amended by omitting the word "forty-six" wherever occurring and by inserting in lieu thereof the word "fifty-one."

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

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

Further amendment of Act No. 38, 1943.

- 5 (a) (i) by omitting from the matter relating to Part I in subsection four of section one the letter and figure "s. 1" and by inserting in lieu thereof the letters and figures "ss. 1-1A";
- 10 (ii) by inserting in the matter relating to Part II in the same subsection after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- (b) by inserting next after the same section the following new section:—
- 15 1A. In this Act unless the context or subject matter otherwise indicates or requires—
- "Tender purchase" means a purchase by tender from the Crown of any land specified in the Schedule to this Act;
- 20 (c) by inserting in the heading to Part II after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- 25 (d) (i) by inserting in subsection one of section two after the word "thirty-seven" the words "or" of any tender purchase";
- (ii) by inserting in subsection five of the same section after the word "purchase" where firstly occurring the words "or tender purchase";
- 30 (iii) by inserting in subsection eight of the same section after the word "purchase" where secondly occurring the words "or tender purchase";
- 35 (e) (i) by inserting in paragraph (a) of subsection one of section three after the word "purchase" where secondly occurring the words "or tender purchase";

Sec. 1.  
(Short title, commencement and division into Parts.)

New sec. 1A.

Interpretation.

Part II.  
(Short heading.)

Sec. 2.  
(Conversion.)

Sec. 3.  
(Annual rent.)

(ii)

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

- (ii) by inserting in subsection two of the same section after the word "purchase" where thirdly occurring the words "or tender purchase";
- 5 (f) by inserting in section fifteen after the word "purchase" where firstly, ninthly, thirteenthly, fifteenthly and seventeenthly occurring the words "or tender purchase"; Sec. 15.  
(Forfeiture of leases subject to securities held by Rural Bank.)
- 10 (g) by inserting at the end thereof the following Schedule:— Schedule.

SCHEDULE.

Sec. 1A.

Land District.	County.	Parish.	Portion Numbers.	Area.
				a. r. p.
15	Young Monteagle	Baxter ...	196	60 2 0
	Young Monteagle	Burrangong ...	302, 303	93 1 10
	Young Monteagle	Burrangong ...	70, 318	64 0 35
	Young Monteagle	Wambanumba	392, 393	128 2 0
	Young Monteagle	Baxter ...	191, 209	78 2 0
	Young Harden	Wilkie ...	299	59 3 0

- 20 **4.** 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 next after section two the following new section:— New sec. 2A.
- 25 2A. (1) Subject to regulations made under the Closer Settlement Acts in that regard the holder or the owner (subject to mortgage) of any settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven, may apply within the time prescribed by such regulations to convert such purchase into a lease in perpetuity. Conversion of settlement purchases taken up on or after 15th December, 1937.
- 30

(2)

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

(2) The provisions of subsections two, three, four, five, seven and eight of section two of this Act shall apply to and in respect of an application under this section.

5 (3) The annual rent for a settlement purchase lease which is a conversion of a settlement purchase under this section shall be as prescribed by regulations made under the Closer Settlement Acts.

10 (4) Save as provided in this section or in regulations made under the Closer Settlement Acts, the general provisions of this Act relating to settlement purchase leases shall apply to settlement purchase leases which are conversions of settlement purchases under this section.

15 (b) by inserting in subsection one of section three next after the word "lease" where firstly occurring the words "(other than a settlement purchase lease which is a conversion of a settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven)."

Sec. 3.  
(Annual rent.)

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

Further amendment of Act No. 38, 1943.

30 (i) by inserting in paragraph (a) of subsection one of section 9F after the word "purpose" where thirdly occurring the words "or any lands which the Minister considers should be excluded for any reason";

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

35 (ii) by omitting from paragraph (f) of the same subsection the words "deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are".

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

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

Amendment  
of Act No.  
43, 1941.

(a) (i) by inserting in subsection four of section 2A after the word "not" the words "where the matter before the board is an application for land set apart under section three or section 3A of this Act";

Sec. 2A.  
(War Ser-  
vice Land  
Settlement  
Boards.)

(ii) by omitting from subsection five of the same section the words "or any decision or recommendation of any such board, chairman or members," wherever occurring;

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

(6) The provisions of section seven of the Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision or recommendation or report of any war service land settlement board, or chairman of a war service land settlement board, and the provisions of section nineteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision, other than a decision in respect of an application for land set apart under section three or section 3A of this Act, or recommendation or report as aforesaid.

(b) by omitting subsection six of section 8c and by inserting in lieu thereof the following sub-sections:—

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

(6) Where the Minister is of opinion that any moneys advanced under this Act, or any advances transferred under this section, have not been applied for the purpose for which such moneys were advanced or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act

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

5 Act, or the land with respect to which the moneys  
 were advanced, or the advances transferred, or  
 any improvements on such land, are being  
 neglected, he may refuse to pay any further  
 instalments of the advance, or to make any  
 further advances, and, if he so declares by a  
 notification in the Gazette all moneys already  
 advanced or all advances transferred, together  
 10 with interest thereon, shall become immediately  
 due and payable and may be recovered as a  
 Crown debt.

15 (6A) Where the Minister is of opinion after  
 report by a war service land settlement board  
 that any moneys advanced under this Act or  
 any advances transferred under this section  
 have not been applied for the purpose for  
 which such moneys were advanced, or such  
 advances transferred, or that such moneys or  
 20 advances have been expended in a careless or  
 extravagant manner, or that any plant, equip-  
 ment, implement or livestock supplied in  
 pursuance of this Act, or the land with respect  
 to which the moneys were advanced, or the  
 advances transferred, or any improvements on  
 25 such land, are being neglected, he may by  
 notification in the Gazette declare such land  
 forfeited to the Crown, together with all moneys  
 paid thereon and all improvements on the land.

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

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

(3) (a) The Mining Act, 1906-1946, is amended—

(i) by omitting from paragraph (a) of the definition  
 of "Crown lands" in section three the word and  
 symbols

Amendment  
 of Act No.  
 49, 1906.

Sec. 3.  
 (Interpreta-  
 tion.)

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

symbols "paragraph (f)" and by inserting in lieu thereof the words and symbols "paragraphs (f) and (h)";

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

(h) lands subject to a lease granted under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts.

10 (b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the sixth day of March, one thousand nine hundred and forty-four.

15 (4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by inserting at the end of section four the following new subsection:—

Amendment of Act No. 12, 1907.

Sec. 4.

20 (5) Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court relates to any land which forms part of the land described in the Schedules to the Murrumbidgee Irrigation Area Resumption Act, 1910, as amended by subsequent Acts, such board or the Land and Valuation Court as the case may be, in arriving at such price or value, shall exclude any added value which after the commencement of the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, may have accrued or may accrue to the land from the construction of any works under such lastmentioned Act.

(Power to purchase or resume land.)

30 (5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by inserting at the end of subsection one of section one hundred and forty-five the words and figures "or to an irrigation farm lease or a non-irrigable lease granted in respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts."

Amendment of Act No. 7, 1913.

Sec. 145.

(Conversion of I.F.L. to I.F.P., etc.)



No. , 1950.

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## A BILL

To make further provision in relation to the conversion of certain tenures into other tenures; to provide for the representation of parties before war service land settlement boards in certain cases; to extend the provisions relating to the forfeiture of certain holdings; to exclude certain tenures from the definition of "Crown lands" in section three of the Mining Act, 1906-1946; for these and other purposes to amend the Closer Settlement Amendment (Conversion) Act, 1943, the War Service Land Settlement Act, 1941, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith.

[MR. SHEAHAN;—3 *May*, 1950.]

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

**B**E 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, 1950." Short title.

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

(a) by omitting from subsection one of section two the word "forty-six" and by inserting in lieu thereof the word "fifty-one"; Sec. 2. (Conversion).

15 (b) by omitting from subsection one of section five the word "forty-six" and by inserting in lieu thereof the word "fifty-one". Sec. 5. (Reduction of rent.)

(2) The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by inserting  
 20 next after subsection two of section three the following new subsection:— Amendment of Act No. 66, 1941. Sec. 3. (Waiver of interest and rent.)

(2A) The provisions of subsection one of this section relating to interest shall apply to and in  
 25 respect of any application by any person who is an applicant for the conversion of any settlement purchase or soldiers' group purchase into a lease in perpetuity under section two of the Closer Settlement Amendment (Conversion) Act, 1943, as  
 30 amended by subsequent Acts, where such application for conversion is made after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1950.

For the purposes of the application of the provisions of subsection one of this section as  
 35 aforesaid subsection two of this section shall be deemed to be amended by omitting the word "forty-six" wherever occurring and by inserting in lieu thereof the word "fifty-one."

**3.**

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

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

Further amendment of Act No. 38, 1943.

- 5 (a) (i) by omitting from the matter relating to Part I in subsection four of section one the letter and figure "s. 1" and by inserting in lieu thereof the letters and figures "ss. 1-1A";
- 10 (ii) by inserting in the matter relating to Part II in the same subsection after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- (b) by inserting next after the same section the following new section:—
- 15 1A. In this Act unless the context or subject matter otherwise indicates or requires—
- "Tender purchase" means a purchase by tender from the Crown of any land specified in the Schedule to this Act;
- 20 (c) by inserting in the heading to Part II after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";
- 25 (d) (i) by inserting in subsection one of section two after the word "thirty-seven" the words "or of any tender purchase";
- (ii) by inserting in subsection five of the same section after the word "purchase" where firstly occurring the words "or tender purchase";
- 30 (iii) by inserting in subsection eight of the same section after the word "purchase" where secondly occurring the words "or tender purchase";
- 35 (e) (i) by inserting in paragraph (a) of subsection one of section three after the word "purchase" where secondly occurring the words "or tender purchase";

Sec. 1.  
(Short title, commencement and division into Parts.)

New sec. 1A.

Interpretation.

Part II.  
(Short heading.)

Sec. 2.  
(Conversion.)

Sec. 3.  
(Annual rent.)

(ii)

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

- (ii) by inserting in subsection two of the same section after the word "purchase" where thirdly occurring the words "or tender purchase";
- 5 (f) by inserting in section fifteen after the word "purchase" where firstly, ninthly, thirteenthly, fifteenthly and seventeenthly occurring the words "or tender purchase"; Sec. 15.  
(Forfeiture of leases subject to securities held by Rural Bank.)
- 10 (g) by inserting at the end thereof the following Schedule:— Schedule.

SCHEDULE.

Sec. 1A.

Land District.	County.	Parish.	Portion Numbers.	Area.
				a. r. p.
15 Young	Monteagle	Baxter ...	196	60 2 0
Young	Monteagle	Burrangong ...	302, 303	93 1 10
Young	Monteagle	Burrangong ...	70, 318	64 0 35
Young	Monteagle	Wambanumba	392, 393	128 2 0
Young	Monteagle	Baxter ...	191, 209	78 2 0
Young	Harden	Wilkie ...	299	59 3 0

- 20 4. 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 next after section two the following new section:— New sec. 2A.
- 25 2A. (1) Subject to regulations made under the Closer Settlement Acts in that regard the holder or the owner (subject to mortgage) of any settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven, may apply within the time prescribed by such regulations to convert such purchase into a lease in perpetuity. Conversion of settlement purchases taken up on or after 15th December, 1937.
- 30

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

(2) The provisions of subsections two, three, four, five, seven and eight of section two of this Act shall apply to and in respect of an application under this section.

5 (3) The annual rent for a settlement purchase lease which is a conversion of a settlement purchase under this section shall be as prescribed by regulations made under the Closer Settlement Acts.

10 (4) Save as provided in this section or in regulations made under the Closer Settlement Acts, the general provisions of this Act relating to settlement purchase leases shall apply to settlement purchase leases which are conversions of settlement purchases under this section.

15 (b) by inserting in subsection one of section three next after the word "lease" where firstly occurring the words "(other than a settlement purchase lease which is a conversion of a settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven)."

20

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

(i) by inserting in paragraph (a) of subsection one of section 9F after the word "purpose" where thirdly occurring the words "or any lands which the Minister considers should be excluded for any reason";

30

(ii) by omitting from paragraph (f) of the same subsection the words "deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are".

35

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

Sec. 3.  
(Annual  
rent.)

Further  
amendment  
of Act No.  
38, 1943.

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

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

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

Amendment  
of Act No.  
43, 1941.

5 (a) (i) by inserting in subsection four of section 2A after the word “not” the words “where the matter before the board is an application for land set apart under section three or section 3A of this Act”;

Sec. 2A.  
(War Ser-  
vice Land  
Settlement  
Boards.)

10 (ii) by omitting from subsection five of the same section the words “or any decision or recommendation of any such board, chairman or members,” wherever occurring;

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

15 (6) The provisions of section seven of the Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision or recommendation or report of any war service land settlement board, or chairman of a war service land settlement board, and the provisions of section nineteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision, other than  
20 a decision in respect of an application for land set apart under section three or section 3A of this Act, or recommendation or report as aforesaid.

25 (b) by omitting subsection six of section 8c and by inserting in lieu thereof the following sub-  
30 sections:—

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

35 (6) Where the Minister is of opinion that any moneys advanced under this Act, or any advances transferred under this section, have not been applied for the purpose for which such moneys were advanced or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, imple-  
40 ment or livestock supplied in pursuance of this Act

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

Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may refuse to pay any further instalments of the advance, or to make any further advances, and, if he so declares by a notification in the Gazette all moneys already advanced or all advances transferred, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

(6A) Where the Minister is of opinion after report by a war service land settlement board that any moneys advanced under this Act or any advances transferred under this section have not been applied for the purpose for which such moneys were advanced, or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may by notification in the Gazette declare such land forfeited to the Crown, together with all moneys paid thereon and all improvements on the land.

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

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

(3) (a) The Mining Act, 1906-1946, is amended—

- (i) by omitting from paragraph (a) of the definition of "Crown lands" in section three the word and symbols

Amendment  
of Act No.  
49, 1906.

Sec. 3.  
(Interpreta-  
tion.)

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

symbols "paragraph (f)" and by inserting in lieu thereof the words and symbols "paragraphs (f) and (h)";

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

(h) lands subject to a lease granted under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts.

10 (b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the sixth day of March, one thousand nine hundred and forty-four.

15 (4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by inserting at the end of section four the following new subsection:—

Amendment  
of Act No.  
12, 1907.  
Sec. 4.

20 (5) Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court relates to any land which forms part of the land described in the Schedules to the Murrumbidgee Irrigation Area Resumption Act, 1910, as amended by subsequent Acts, such board or the Land and Valuation Court as the case may be, in arriving at such price or value, shall exclude any  
25 added value which after the commencement of the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, may have accrued or may  
30 accrue to the land from the construction of any works under such lastmentioned Act.

(Power to  
purchase or  
resume  
land.)

(5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by inserting at the end of subsection one of section one hundred and forty-five the words and figures "or to an irrigation farm  
35 lease or a non-irrigable lease granted in respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts."

Amendment  
of Act No.  
7, 1913.  
Sec. 145.  
(Conversion  
of I.F.L.  
to I.F.P.,  
etc.)