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New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. 40, 1951.

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 validate certain matters; for these and other purposes to amend the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, the War Service Land Settlement Act, 1941, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 7th December, 1951.]

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, 1951".

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

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

- (a) by omitting from subsection one of section 9A the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners";
- (b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";
- (c) by inserting in the same subsection after the word "price" the words "or prices";
- (d) by omitting from the same subsection the words "For the purposes of this subsection:—
 - (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
 - (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—
 - (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
 - (ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially in the interests of one of such owners,

shall

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shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons";

- (e) by inserting in subsection five of the same section after the word "owner" the words "or owners of the land proposed to be included or excluded or the price of which is proposed to be increased or decreased";
- (f) by inserting in subsection six of the same section after the word "owner" wherever occurring the words "or owners";
- (g) by inserting in the same subsection after the word "has" where firstly occurring the words "or have";
- (h) by inserting in the same subsection after the word "his" the words "or their".

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

- (a) by omitting from subsection one of section 147D the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners";
- (b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";
- (c) by inserting in the same subsection after the word "price" the words "or prices";
- (d) by omitting from the same subsection the words "For the purposes of this subsection—
 - (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
 - (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but

Sec. 147D.
(Applica-
tion to
Minister
to acquire
lands.)

(i)

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- (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
- (ii) in the opinion of the Minister after report by the Commission are occupied, controlled or used substantially in the interests of one of such owners,

shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons".

Amendment
of Act No.
12, 1907.
Sec. 6.
(Restriction
on disposi-
tion.)

3. The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by omitting from subsection (1A) of section six the word "six" where firstly occurring and by inserting in lieu thereof the word "eleven".

Amendment
of Act No.
43, 1941.

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

Sec. 2.
(Areas may be
set apart for
selection by
members or
discharged
members of
the forces,
discharged
soldiers or
other eligible
persons.)

- (a) (i) by inserting in subsection five of section three after the words "member of the forces" wherever occurring the words "or discharged member of the forces";
- (ii) by omitting from the same subsection the words "on service";

Sec. 4.
(Classifica-
tion Com-
mittee.)

- (b) (i) by inserting in subsection two of section four after the word "forces" where thirdly and fourthly occurring the words "or discharged member of the forces";
- (ii) by omitting from the same subsection the words "on service";

Sec. 5.
(Applica-
tions by
parent or
relative or
other
person.)

- (c) (i) by inserting in section five after the words "member of the forces" where firstly, secondly and thirdly occurring the words "or discharged member of the forces";
- (ii) by omitting from subsection one of the same section the words "on service";

(iii)

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- (iii) by omitting from subsection two of the same section the words “and also to furnish a certificate from the appropriate Commonwealth authority that the member of the forces is on service outside the State of New South Wales”.

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

Further amendment of Act No. 38, 1943.

- (a) by inserting in subsection two of section eleven after the word “mortgage” where thirdly occurring the words “or by way of mortgage to the Minister”;

Sec. 11. (Restrictions on transfer.)

- (b) by omitting from subsection three of the same section the words “by adding to such first-mentioned amount an amount equivalent to forty times the annual rent payable under this Act” and by inserting in lieu thereof the words—

“as follows:—

- (i) in the case of a closer settlement lease the title to which commenced before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or a settlement purchase lease or a group purchase lease by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act, and

- (ii) in the case of a closer settlement lease the title to which commenced after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act together

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New secs.
13B and
13C.

Payment for
a sur-
rendered
closer
settlement
lease.

Authorised
person not
to be
obstructed.
cf. Act No.
7, 1913,
s. 227.

Further
amendment
of Act No.
43, 1941.

Sec. 3.
(Qualifica-
tion certifi-
cates.)

Sec. 4.
(Classifica-
tion
Committee.)

with an amount equivalent to the capital value owing to the Crown in respect of improvements on the land";
(c) by inserting next after section 13A the following new sections:—

13B. Where in pursuance of the provisions of section thirteen of this Act the holder of any closer settlement lease surrenders the whole or part thereof he may be paid such amount as the Minister may consider the circumstances warrant: Provided that the amount so paid shall not exceed the value of improvements, effected or purchased by such holder or by a previous holder of the closer settlement lease, which are on the surrendered land at the time of the surrender.

13C. It shall not be lawful for the holder of any settlement purchase lease or group purchase lease or closer settlement lease to obstruct any person acting under instructions from the Minister from entering upon the land under lease whenever such person may require to do so.

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

(a) by inserting at the end of subsection three of section three the words "Any such application made after the fifteenth day of August, one thousand nine hundred and fifty and before the second day of September, one thousand nine hundred and fifty, shall be deemed to have been made within the time prescribed by this subsection";

(b) by inserting in subsection two of section four after the word "subsection" the words—

"Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, any application for a qualification certificate was withdrawn by the applicant,

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applicant, or the committee refused to grant an application for a qualification certificate or other certificate under this subsection, the committee shall have power and shall be deemed always to have had power, upon the request of the applicant made not later than twelve months after such commencement, to reconsider any such application and to deal with such application in accordance with the foregoing provisions of this subsection”.

(c) by inserting at the end of section 8g the following new subsection:—

Sec. 8g.

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

(2) Any regulation, whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, shall be deemed always to have empowered the Under Secretary or other officer therein prescribed on behalf of the Minister to deal with such matters as may be therein prescribed and any decision given by the Under Secretary or other prescribed officer which would have had the same effect as if given by the Minister in person had such regulation been in force at the time of the giving of such decision shall be deemed always to have had the same effect as if given by the Minister in person.

(3) 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 subsection two of section one hundred and sixty-one after the word “surrendered” where firstly occurring the words “or where the term of a holding has expired”;

Sec. 161.

(Payment of survey fees.)

(ii) by inserting in the same subsection after the word “shall” the words “not exceed the survey fee payable in respect of the old holding, and may further direct that such firstmentioned survey fee”;

(iii)

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- (iii) by inserting in the same subsection after the word "surrender" the words "or expiration";
- (iv) by inserting in the same subsection after the word "surrendered" where secondly occurring the words "or the term of which has expired";
- (b) by inserting at the end of the same section the following new subsections:—

(3) Where in this Act or regulations under this Act it is provided that the cost of any necessary survey or subdivision shall be paid, the Minister shall have and shall be deemed always to have had power to waive payment of so much of such cost as he considers to be excessive.

(4) Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, the Minister has waived payment of the whole or any part of any survey fee payable under this Act or regulations under this Act, he shall be deemed to have had power to do so.

New sec.
255A.

- (c) by inserting next after section two hundred and fifty-five the following new section:—

255A. Any person who at the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, was duly authorised as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act, or any person duly authorised as aforesaid after such commencement, shall continue to be so authorised notwithstanding that the Minister who duly authorised such person has ceased to hold office as Minister: Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Minister.

Authorised
person for
purposes of
secs. 254
and 255.

(d)

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(d) by inserting next after subsection two of section two hundred and seventy-two the following new subsection:—

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

(2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any holding as is hereinbefore mentioned where—

- (a) such holding is a small holding;
- (b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
- (c) the Minister consents to the transfer.

The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

(e) by inserting next after subsection two of section two hundred and seventy-four the following new subsection:—

Sec. 274.
(Restrictions as to assigns of homestead farms and Crown-leases.)

(2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any such holding as aforesaid where—

- (a) such holding is a small holding;
- (b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
- (c) the Minister consents to the transfer.

The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

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Amendment
of Act No.
14, 1950.
New. sec.
13A.

Trustees
or personal
representa-
tive deemed
entitled to
sell and
convey land
vested
under this
Act.

cf. Act No.
6, 1919,
s. 157A.

6. The War Service Land Settlement and Closer Settlement Validation Act, 1950, is amended by inserting next after section thirteen the following new section:—

13A. (1) Notwithstanding anything contained in any Act where land, immediately before its vesting under the provisions of section five, six, seven, eight or nine of this Act, was held by a trustee or personal representative such trustee or personal representative or his successor in office shall be entitled to sell and convey the land so vested, and to agree upon and receive all compensation money whatsoever payable in respect of the vesting of such land.

(2) Such compensation money shall be held by the trustee or personal representative receiving the same on the trusts affecting the land in respect of which the compensation money is paid, or affecting the compensation money, and subject to the terms of the instrument (if any) containing such trusts and to the provisions of this section on trust for investment in accordance with section fourteen of the Trustee Act, 1925-1942.

(3) A sole trustee other than a trust corporation or a trustee or body of trustees incorporated by any Act or a person appointed as a sole trustee by the creator of the trust shall not be entitled under this section to agree upon or to receive the compensation money payable in respect of a vesting, but upon the appointment of an additional trustee of the instrument containing the trust affecting the land approved by the Crown Solicitor such trustees shall be entitled under this section to agree upon and receive such money, but this subsection does not affect the right of a sole personal representative as such to agree upon and give a valid receipt for or direct the application of such compensation money.

(4) (a) Subject to the provisions of the instrument (if any) creating such trusts, the trustees or the personal representatives may, with the

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the consent of the person of full age and free from disability, who would have been entitled to the income of the land vested, apply the compensation money paid under this section in respect of a vesting in the purchase of other lands to be conveyed upon the like trusts as the lands in respect of which such money has been paid stood limited.

(b) If the person who would have been entitled to the income is—

- (i) an insane or incapable person, the consent of the committee or manager of his estate, or if there is no such committee or manager, the consent of the Master in Lunacy;
- (ii) an insane patient, the consent of the Master in Lunacy or of the Court,

shall be sufficient authority to protect the trustees or personal representatives so applying the compensation money.

(c) If the person who would have been entitled to the income is an infant, or a person who cannot be found or ascertained, or as to whom it is uncertain whether he is living or dead, the trustees or personal representatives may so apply the money without the consent of any person.

(5) The costs of the appointment of an additional trustee under subsection three, and of obtaining the necessary consents under subsection four of this section, shall be paid by the Crown.

(6) The powers of trustees and personal representatives under this section shall be cumulative, and not in substitution for, or in derogation of any other powers of any such persons to sell and convey land the subject of a vesting, or to agree upon and receive compensation money payable in respect of a vesting.

(7) In this section unless the context otherwise requires the expressions “personal representative”, “trust corporation” and “Court” have the same meanings respectively as those expressions have in the Conveyancing Acts, 1919-1943.

(8)

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(8) This section shall be deemed to have applied to and in respect of any land vested under section five, six, seven, eight or nine of this Act as on and from the date upon which such land so vested.

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

Further amendment of Act No. 12, 1907.

Sec. 5.

(Lands to which added value accrues by reason of public works etc. may be notified for closer settlement.)

(a) (i) by inserting at the commencement of subsection three of section five the words "Subject to subsection (3A) of this section";

(ii) by inserting in the same subsection after the words "such works" the following new paragraph:—

"Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works".

(iii) by inserting in subparagraph (ii) of the same subsection after the words "additional lands" the words "or by transferring thereto lands from another district or from a provisional district";

(iv) by inserting at the end of the same subsection the words "Provided that where any lands included in or transferred to such district are held in the same interests as any other

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other lands in such district the Governor may notify the boundaries of such other lands under this subsection as if such other lands had comprised part of the lands held in the same interests which were included in or transferred to such district”;

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

(3A) The Governor may, at any time within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, notify in the Gazette the boundaries of the lands to which, in his opinion, an added value will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of the Denimein Provisional Domestic and Stock Water Supply and Irrigation District or of the district constituted upon completion of such works.

Where such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works.

Where

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Where such district—

- (i) when constituted includes any land in addition to that which was included in such provisional district; or
- (ii) after being constituted is altered by including therein additional lands or by transferring thereto lands from another district or from a provisional district,

the Governor may, at any time within twelve months after such constitution or after any such alteration, as the case may be, notify in the Gazette the boundaries of any of the lands so included or of any of the lands so transferred or of any lands in such district held in the same interests as any of such lands so included or as any of such lands so transferred to which an added value, in his opinion, will accrue or has accrued by reason of the construction or utilisation of the works of such district.

(b) (i) by inserting at the commencement of paragraph (a) of subsection four of the same section the words “Subject to subsection (4A) of this section”;

(ii) by inserting in the same paragraph after the words “each such provisional district” the following new paragraph:—

“Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests

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interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of any such provisional district or of the respective districts constituted upon completion of the works of each such provisional district”;

(iii) by inserting in subparagraph (ii) of the same paragraph after the words “additional lands” the words “or by transferring thereto lands from another district or from a provisional district”;

(iv) by inserting at the end of the same paragraph the words “Provided that where any lands included in or transferred to such district are held in the same interests as any other lands in such district the Governor may notify the boundaries of such other lands under this subsection as if such other lands had comprised part of the lands held in the same interests which were included in or transferred to such district”;

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

(4A) Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, a provisional district constituted under Part VI of the Water Act, 1912, or under that Act as amended by subsequent Acts, had been altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such commencement, notify

in

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in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works.

- (c) by omitting from subsection five of the same section the words "or subsection four" and by inserting in lieu thereof the words figures and letters "subsection (3A), subsection four or subsection (4A)";
- (d) by omitting from subsection six of the same section the words "or subsection four" wherever occurring and by inserting in lieu thereof the words, figures and letters "subsection (3A), subsection four or subsection (4A)";
- (e) by inserting in paragraph (f) of subsection seven of the same section after the words "think just" where first occurring the words—

"Provided further that where any land comprised within boundaries which have been notified pursuant to subsection (3A) or subsection (4A) of this section was sold at any time before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, the advisory board or the Land and Valuation Court, as the case may be, if satisfied that the sale was made in good faith and that the price paid for the land included any part of such added value, may make such allowance therefor in its assessment or determination as it may think just".

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8. (1) 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 subsection four of section four the following new paragraph:—

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

(c) In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of paragraph (a) or (b) of this subsection, as the case may be, shall apply accordingly.

(b) by inserting in paragraph (f) of subsection seven of section five after the words "since that date" where secondly occurring the following words:—

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

"In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of subparagraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly".

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

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting at the end of section one hundred and ninety-seven the following new subsection:—

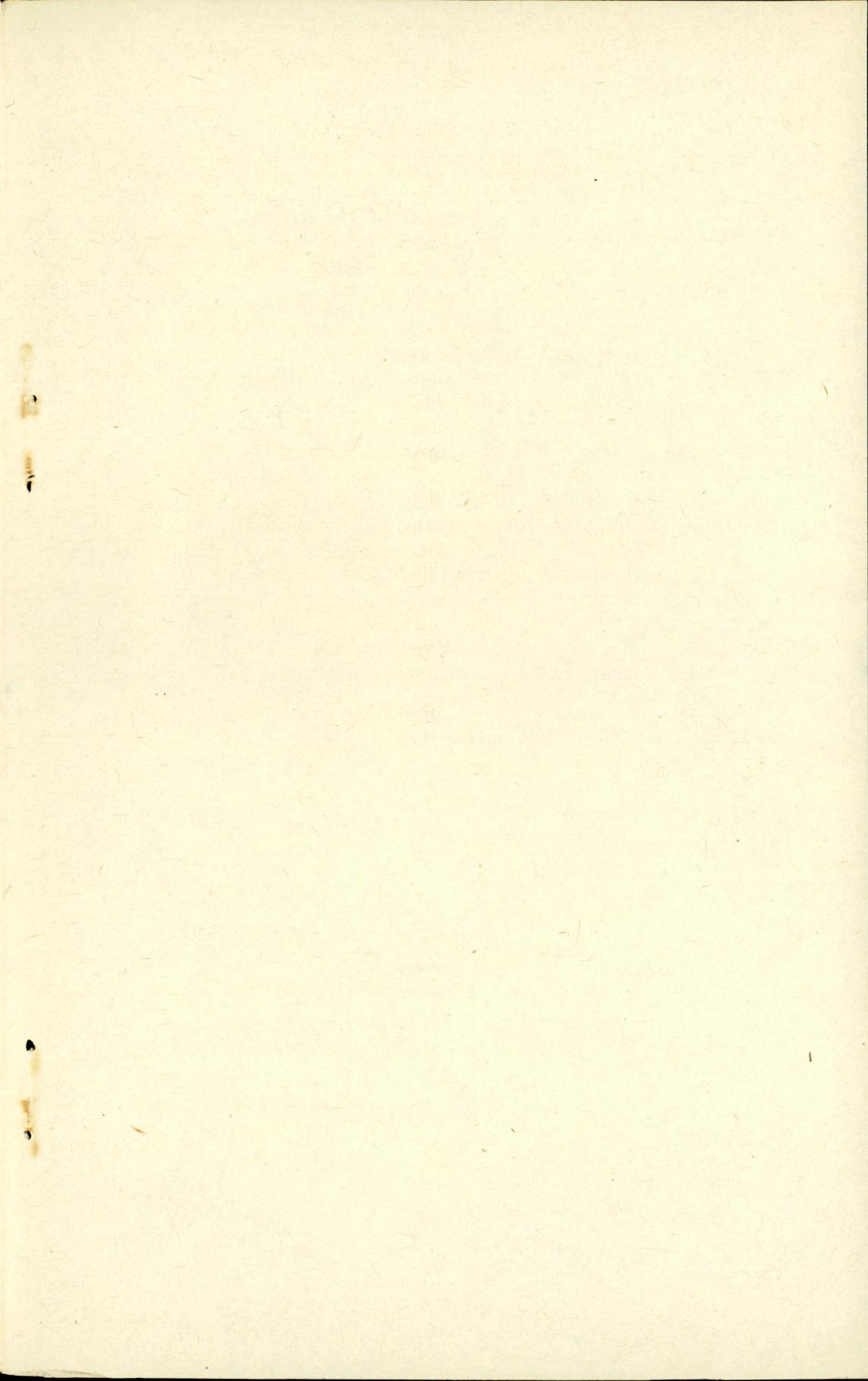
(4) In the case of any purchase or resumption under this section a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, as the case may be, shall be conclusive evidence that the purchase or resumption is made for the purposes as recited or stated, and the provisions of paragraph (a) or (b) of the proviso to subsection three of this section, as the case may be, shall apply accordingly.

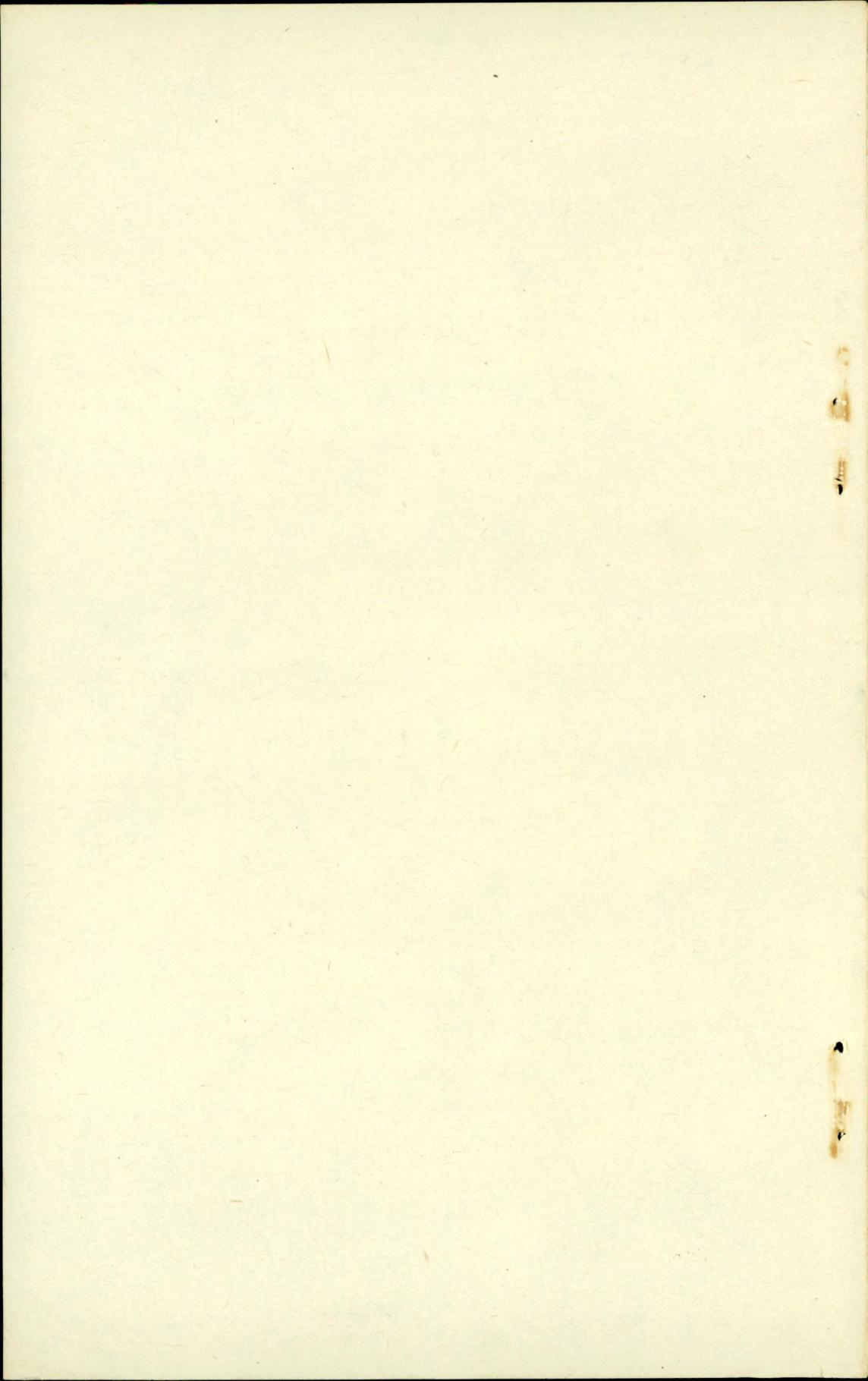
(3) Subsection one of this section shall be deemed to have commenced on the third day of May, one thousand nine hundred and fifty.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1952.

[1s.]

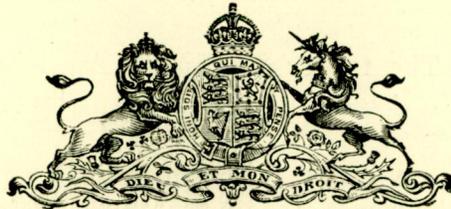




I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 27 November, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGI VI REGIS.

Act No. 40, 1951.

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 validate certain matters; for these and other purposes to amend the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, the War Service Land Settlement Act, 1941, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 7th December, 1951.]

BE

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

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

War Service Land Settlement and Closer Settlement (Amendment).

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

Short title. **1.** This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1951".

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

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

(a) by omitting from subsection one of section 9A the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners";

(b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";

(c) by inserting in the same subsection after the word "price" the words "or prices";

(d) by omitting from the same subsection the words "For the purposes of this subsection:—

(a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;

(b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—

(i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or

(ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially in the interests of one of such owners,

shall

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shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons";

- (e) by inserting in subsection five of the same section after the word "owner" the words "or owners of the land proposed to be included or excluded or the price of which is proposed to be increased or decreased";
- (f) by inserting in subsection six of the same section after the word "owner" wherever occurring the words "or owners";
- (g) by inserting in the same subsection after the word "has" where firstly occurring the words "or have";
- (h) by inserting in the same subsection after the word "his" the words "or their".

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—

Amendment
of Act No.
7, 1913.

- (a) by omitting from subsection one of section 147D the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners";
- (b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";
- (c) by inserting in the same subsection after the word "price" the words "or prices";
- (d) by omitting from the same subsection the words "For the purposes of this subsection—
 - (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
 - (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but

Sec. 147D.
(Applica-
tion to
Minister
to acquire
lands.)

(i)

War Service Land Settlement and Closer Settlement (Amendment).

- (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
- (ii) in the opinion of the Minister after report by the Commission are occupied, controlled or used substantially in the interests of one of such owners,

shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons".

Amendment of Act No. 12, 1907.
Sec. 6.
(Restriction on disposition.)

3. The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by omitting from subsection (1A) of section six the word "six" where firstly occurring and by inserting in lieu thereof the word "eleven".

Amendment of Act No. 43, 1941.

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

Sec. 3.
(Areas may be set apart for selection by members or discharged members of the forces, discharged soldiers or other eligible persons.)

(a) (i) by inserting in subsection five of section three after the words "member of the forces" wherever occurring the words "or discharged member of the forces";

(ii) by omitting from the same subsection the words "on service";

Sec. 4.
(Classification Committee.)

(b) (i) by inserting in subsection two of section four after the word "forces" where thirdly and fourthly occurring the words "or discharged member of the forces";

(ii) by omitting from the same subsection the words "on service";

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

(c) (i) by inserting in section five after the words "member of the forces" where firstly, secondly and thirdly occurring the words "or discharged member of the forces";

(ii) by omitting from subsection one of the same section the words "on service";

(iii)

War Service Land Settlement and Closer Settlement (Amendment).

- (iii) by omitting from subsection two of the same section the words "and also to furnish a certificate from the appropriate Commonwealth authority that the member of the forces is on service outside the State of New South Wales".

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

Further amendment of Act No. 38, 1943.

- (a) by inserting in subsection two of section eleven after the word "mortgage" where thirdly occurring the words "or by way of mortgage to the Minister";
- (b) by omitting from subsection three of the same section the words "by adding to such first-mentioned amount an amount equivalent to forty times the annual rent payable under this Act" and by inserting in lieu thereof the words—

Sec. 11.
(Restrictions on transfer.)

"as follows:—

- (i) in the case of a closer settlement lease the title to which commenced before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or a settlement purchase lease or a group purchase lease by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act, and
- (ii) in the case of a closer settlement lease the title to which commenced after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act together

with

War Service Land Settlement and Closer Settlement (Amendment).

- with an amount equivalent to the capital value owing to the Crown in respect of improvements on the land”;
- New secs. 13B and 13C. Payment for a surrendered closer settlement lease.
- (c) by inserting next after section 13A the following new sections:—
- 13B. Where in pursuance of the provisions of section thirteen of this Act the holder of any closer settlement lease surrenders the whole or part thereof he may be paid such amount as the Minister may consider the circumstances warrant: Provided that the amount so paid shall not exceed the value of improvements, effected or purchased by such holder or by a previous holder of the closer settlement lease, which are on the surrendered land at the time of the surrender.
- 13C. It shall not be lawful for the holder of any settlement purchase lease or group purchase lease or closer settlement lease to obstruct any person acting under instructions from the Minister from entering upon the land under lease whenever such person may require to do so.
- Authorised person not to be obstructed. cf. Act No. 7, 1913, s. 227.
- Further amendment of Act No. 43, 1941.
- (2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended—
- Sec. 3. (Qualification certificates.)
- (a) by inserting at the end of subsection three of section three the words “Any such application made after the fifteenth day of August, one thousand nine hundred and fifty and before the second day of September, one thousand nine hundred and fifty, shall be deemed to have been made within the time prescribed by this subsection”;
- Sec. 4. (Classification Committee.)
- (b) by inserting in subsection two of section four after the word “subsection” the words—
- “Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, any application for a qualification certificate was withdrawn by the applicant,

War Service Land Settlement and Closer Settlement (Amendment).

applicant, or the committee refused to grant an application for a qualification certificate or other certificate under this subsection, the committee shall have power and shall be deemed always to have had power, upon the request of the applicant made not later than twelve months after such commencement, to reconsider any such application and to deal with such application in accordance with the foregoing provisions of this subsection”.

- (c) by inserting at the end of section 8g the following new subsection:—

Sec. 8g.
(The Under Secretary and prescribed officer may deal with certain matters on behalf of the Minister.)

(2) Any regulation, whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, shall be deemed always to have empowered the Under Secretary or other officer therein prescribed on behalf of the Minister to deal with such matters as may be therein prescribed and any decision given by the Under Secretary or other prescribed officer which would have had the same effect as if given by the Minister in person had such regulation been in force at the time of the giving of such decision shall be deemed always to have had the same effect as if given by the Minister in person.

- (3) 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 subsection two of section one hundred and sixty-one after the word “surrendered” where firstly occurring the words “or where the term of a holding has expired”;

Sec. 161.
(Payment of survey fees.)

- (ii) by inserting in the same subsection after the word “shall” the words “not exceed the survey fee payable in respect of the old holding, and may further direct that such firstmentioned survey fee”;

(iii)

War Service Land Settlement and Closer Settlement (Amendment).

- (iii) by inserting in the same subsection after the word "surrender" the words "or expiration";
- (iv) by inserting in the same subsection after the word "surrendered" where secondly occurring the words "or the term of which has expired";
- (b) by inserting at the end of the same section the following new subsections:—

(3) Where in this Act or regulations under this Act it is provided that the cost of any necessary survey or subdivision shall be paid, the Minister shall have and shall be deemed always to have had power to waive payment of so much of such cost as he considers to be excessive.

(4) Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, the Minister has waived payment of the whole or any part of any survey fee payable under this Act or regulations under this Act, he shall be deemed to have had power to do so.

New sec.
255A.

Authorised
person for
purposes of
secs. 254
and 255.

- (c) by inserting next after section two hundred and fifty-five the following new section:—

255A. Any person who at the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, was duly authorised as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act, or any person duly authorised as aforesaid after such commencement, shall continue to be so authorised notwithstanding that the Minister who duly authorised such person has ceased to hold office as Minister: Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Minister.

(d)

War Service Land Settlement and Closer Settlement (Amendment).

- (d) by inserting next after subsection two of section two hundred and seventy-two the following new subsection:—

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

(2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any holding as is hereinbefore mentioned where—

- (a) such holding is a small holding;
- (b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
- (c) the Minister consents to the transfer.

The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

- (e) by inserting next after subsection two of section two hundred and seventy-four the following new subsection:—

Sec. 274.
(Restrictions as to assigns of homestead farms and Crown-leases.)

(2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any such holding as aforesaid where—

- (a) such holding is a small holding;
- (b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
- (c) the Minister consents to the transfer.

The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

War Service Land Settlement and Closer Settlement (Amendment).

Amendment
of Act No
14, 1950.
New. sec.
13A.

Trustees
or personal
representa-
tive deemed
entitled to
sell and
convey land
vested
under this
Act.

cf. Act No.
6, 1919,
s. 157A.

6. The War Service Land Settlement and Closer Settlement Validation Act, 1950, is amended by inserting next after section thirteen the following new section:—

13A. (1) Notwithstanding anything contained in any Act where land, immediately before its vesting under the provisions of section five, six, seven, eight or nine of this Act, was held by a trustee or personal representative such trustee or personal representative or his successor in office shall be entitled to sell and convey the land so vested, and to agree upon and receive all compensation money whatsoever payable in respect of the vesting of such land.

(2) Such compensation money shall be held by the trustee or personal representative receiving the same on the trusts affecting the land in respect of which the compensation money is paid, or affecting the compensation money, and subject to the terms of the instrument (if any) containing such trusts and to the provisions of this section on trust for investment in accordance with section fourteen of the Trustee Act, 1925-1942.

(3) A sole trustee other than a trust corporation or a trustee or body of trustees incorporated by any Act or a person appointed as a sole trustee by the creator of the trust shall not be entitled under this section to agree upon or to receive the compensation money payable in respect of a vesting, but upon the appointment of an additional trustee of the instrument containing the trust affecting the land approved by the Crown Solicitor such trustees shall be entitled under this section to agree upon and receive such money, but this subsection does not affect the right of a sole personal representative as such to agree upon and give a valid receipt for or direct the application of such compensation money.

(4) (a) Subject to the provisions of the instrument (if any) creating such trusts, the trustees or the personal representatives may, with the

War Service Land Settlement and Closer Settlement (Amendment).

the consent of the person of full age and free from disability, who would have been entitled to the income of the land vested, apply the compensation money paid under this section in respect of a vesting in the purchase of other lands to be conveyed upon the like trusts as the lands in respect of which such money has been paid stood limited.

(b) If the person who would have been entitled to the income is—

- (i) an insane or incapable person, the consent of the committee or manager of his estate, or if there is no such committee or manager, the consent of the Master in Lunacy;
- (ii) an insane patient, the consent of the Master in Lunacy or of the Court,

shall be sufficient authority to protect the trustees or personal representatives so applying the compensation money.

(c) If the person who would have been entitled to the income is an infant, or a person who cannot be found or ascertained, or as to whom it is uncertain whether he is living or dead, the trustees or personal representatives may so apply the money without the consent of any person.

(5) The costs of the appointment of an additional trustee under subsection three, and of obtaining the necessary consents under subsection four of this section, shall be paid by the Crown.

(6) The powers of trustees and personal representatives under this section shall be cumulative, and not in substitution for, or in derogation of any other powers of any such persons to sell and convey land the subject of a vesting, or to agree upon and receive compensation money payable in respect of a vesting.

(7) In this section unless the context otherwise requires the expressions "personal representative", "trust corporation" and "Court" have the same meanings respectively as those expressions have in the Conveyancing Acts, 1919-1943.

(8)

War Service Land Settlement and Closer Settlement (Amendment).

(8) This section shall be deemed to have applied to and in respect of any land vested under section five, six, seven, eight or nine of this Act as on and from the date upon which such land so vested.

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

Further amendment of Act No. 12, 1907.

Sec. 5.

(Lands to which added value accrues by reason of public works etc. may be notified for closer settlement.)

(a) (i) by inserting at the commencement of subsection three of section five the words "Subject to subsection (3A) of this section";

(ii) by inserting in the same subsection after the words "such works" the following new paragraph:—

"Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works".

(iii) by inserting in subparagraph (ii) of the same subsection after the words "additional lands" the words "or by transferring thereto lands from another district or from a provisional district";

(iv) by inserting at the end of the same subsection the words "Provided that where any lands included in or transferred to such district are held in the same interests as any other

War Service Land Settlement and Closer Settlement (Amendment).

other lands in such district the Governor may notify the boundaries of such other lands under this subsection as if such other lands had comprised part of the lands held in the same interests which were included in or transferred to such district”;

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

(3A) The Governor may, at any time within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, notify in the Gazette the boundaries of the lands to which, in his opinion, an added value will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of the Denimein Provisional Domestic and Stock Water Supply and Irrigation District or of the district constituted upon completion of such works.

Where such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works.

Where

War Service Land Settlement and Closer Settlement (Amendment).

Where such district—

- (i) when constituted includes any land in addition to that which was included in such provisional district; or
- (ii) after being constituted is altered by including therein additional lands or by transferring thereto lands from another district or from a provisional district,

the Governor may, at any time within twelve months after such constitution or after any such alteration, as the case may be, notify in the Gazette the boundaries of any of the lands so included or of any of the lands so transferred or of any lands in such district held in the same interests as any of such lands so included or as any of such lands so transferred to which an added value, in his opinion, will accrue or has accrued by reason of the construction or utilisation of the works of such district.

- (b) (i) by inserting at the commencement of paragraph (a) of subsection four of the same section the words "Subject to subsection (4A) of this section";
- (ii) by inserting in the same paragraph after the words "each such provisional district" the following new paragraph:—

"Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests

War Service Land Settlement and Closer Settlement (Amendment).

interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of any such provisional district or of the respective districts constituted upon completion of the works of each such provisional district”;

- (iii) by inserting in subparagraph (ii) of the same paragraph after the words “additional lands” the words “or by transferring thereto lands from another district or from a provisional district”;
- (iv) by inserting at the end of the same paragraph the words “Provided that where any lands included in or transferred to such district are held in the same interests as any other lands in such district the Governor may notify the boundaries of such other lands under this subsection as if such other lands had comprised part of the lands held in the same interests which were included in or transferred to such district”;
- (v) by inserting next after the same subsection the following new subsection:—

(4A) Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, a provisional district constituted under Part VI of the Water Act, 1912, or under that Act as amended by subsequent Acts, had been altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such commencement, notify in

War Service Land Settlement and Closer Settlement (Amendment).

in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works.

- (c) by omitting from subsection five of the same section the words "or subsection four" and by inserting in lieu thereof the words figures and letters "subsection (3A), subsection four or subsection (4A)";
- (d) by omitting from subsection six of the same section the words "or subsection four" wherever occurring and by inserting in lieu thereof the words, figures and letters "subsection (3A), subsection four or subsection (4A)";
- (e) by inserting in paragraph (f) of subsection seven of the same section after the words "think just" where first occurring the words—

"Provided further that where any land comprised within boundaries which have been notified pursuant to subsection (3A) or subsection (4A) of this section was sold at any time before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, the advisory board or the Land and Valuation Court, as the case may be, if satisfied that the sale was made in good faith and that the price paid for the land included any part of such added value, may make such allowance therefor in its assessment or determination as it may think just".

S.

War Service Land Settlement and Closer Settlement (Amendment).

8. (1) 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 subsection four of section four the following new paragraph:—

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

(c) In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of paragraph (a) or (b) of this subsection, as the case may be, shall apply accordingly.

(b) by inserting in paragraph (f) of subsection seven of section five after the words "since that date" where secondly occurring the following words:—

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

"In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of subparagraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly".

War Service Land Settlement and Closer Settlement (Amendment).

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

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting at the end of section one hundred and ninety-seven the following new subsection:—

(4) In the case of any purchase or resumption under this section a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, as the case may be, shall be conclusive evidence that the purchase or resumption is made for the purposes as recited or stated, and the provisions of paragraph (a) or (b) of the proviso to subsection three of this section, as the case may be, shall apply accordingly.

(3) Subsection one of this section shall be deemed to have commenced on the third day of May, one thousand nine hundred and fifty.

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

K. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 7th December, 1951.*

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, 27 November, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

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 validate certain matters; for these and other purposes to amend the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, the War Service Land Settlement Act, 1941, and certain other Acts in certain respects; and for purposes connected therewith.

War Service Land Settlement and Closer Settlement (Amendment).

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

1. This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1951". 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 9A the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners"; Sec. 9A. (Applications to Minister to acquire lands.)

(b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";

(c) by inserting in the same subsection after the word "price" the words "or prices";

(d) by omitting from the same subsection the words "For the purposes of this subsection:—

(a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;

(b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—

(i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or

(ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially in the interests of one of such owners,

shall

War Service Land Settlement and Closer Settlement (Amendment).

- 5 shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons";
- 10 (e) by inserting in subsection five of the same section after the word "owner" the words "or owners of the land proposed to be included or excluded or the price of which is proposed to be increased or decreased";
- (f) by inserting in subsection six of the same section after the word "owner" wherever occurring the words "or owners";
- 15 (g) by inserting in the same subsection after the word "has" where firstly occurring the words "or have";
- (h) by inserting in the same subsection after the word "his" the words "or their".
- 20 (2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended—
- (a) by omitting from subsection one of section 147D the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners";
- 25 (b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";
- (c) by inserting in the same subsection after the word "price" the words "or prices";
- 30 (d) by omitting from the same subsection the words "For the purposes of this subsection—
- (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;
- 35 (b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but
- (i)

Amendment
of Act No.
7, 1913.

Sec. 147D.
(Applica-
tion to
Minister
to acquire
lands.)

War Service Land Settlement and Closer Settlement (Amendment).

- (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or
- 5 (ii) in the opinion of the Minister after report by the Commission are occupied, controlled or used substantially in the interests of one of such owners,
- 10 shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons".
- 15 **3.** The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by omitting from subsection (1A) of section six the word "six" where firstly occurring and by inserting in lieu thereof the word "eleven".
- 20 **4.** The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—
- (a) (i) by inserting in subsection five of section three after the words "member of the forces" wherever occurring the words "or discharged member of the forces";
- 25 (ii) by omitting from the same subsection the words "on service";
- (b) (i) by inserting in subsection two of section four after the word "forces" where thirdly and fourthly occurring the words "or discharged member of the forces";
- 30 (ii) by omitting from the same subsection the words "on service";
- (c) (i) by inserting in section five after the words "member of the forces" where firstly, secondly and thirdly occurring the words "or discharged member of the forces";
- 35 (ii) by omitting from subsection one of the same section the words "on service";

Amendment of Act No. 12, 1907. Sec. 6. (Restriction on disposition.)

Amendment of Act No. 43, 1941.

Sec. 3. (Areas may be set apart for selection by members or discharged members of the forces, discharged soldiers or other eligible persons.)

Sec. 4. (Classification Committee.)

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

(iii)

War Service Land Settlement and Closer Settlement (Amendment).

- 5 (iii) by omitting from subsection two of the same section the words "and also to furnish a certificate from the appropriate Commonwealth authority that the member of the forces is on service outside the State of New South Wales".

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

Further amendment of Act No. 38, 1943.

- 10 (a) by inserting in subsection two of section eleven after the word "mortgage" where thirdly occurring the words "or by way of mortgage to the Minister";

Sec. 11. (Restrictions on transfer.)

- 15 (b) by omitting from subsection three of the same section the words "by adding to such first-mentioned amount an amount equivalent to forty times the annual rent payable under this Act" and by inserting in lieu thereof the words—

"as follows:—

- 20 (i) in the case of a closer settlement lease the title to which commenced before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or a
- 25 settlement purchase lease or a group purchase lease by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act, and

- 30 (ii) in the case of a closer settlement lease the title to which commenced after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, by adding to
- 35 such purchase money an amount equivalent to forty times the annual rent payable under this Act together

with

War Service Land Settlement and Closer Settlement (Amendment).

with an amount equivalent to the capital value owing to the Crown in respect of improvements on the land”;
 (c) by inserting next after section 13A the following new sections:—

New secs. 13B and 13C.

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13B. Where in pursuance of the provisions of section thirteen of this Act the holder of any closer settlement lease surrenders the whole or part thereof he may be paid such amount as the Minister may consider the circumstances warrant: Provided that the amount so paid shall not exceed the value of improvements, effected or purchased by such holder or by a previous holder of the closer settlement lease, which are on the surrendered land at the time of the surrender.

Payment for a surrendered closer settlement lease.

13C. It shall not be lawful for the holder of any settlement purchase lease or group purchase lease or closer settlement lease to obstruct any person acting under instructions from the Minister from entering upon the land under lease whenever such person may require to do so.

Authorised person not to be obstructed. cf. Act No. 7, 1913, s. 227.

(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 inserting at the end of subsection three of section three the words “Any such application made after the fifteenth day of August, one thousand nine hundred and fifty and before the second day of September, one thousand nine hundred and fifty, shall be deemed to have been made within the time prescribed by this subsection”;

Sec. 3. (Qualification certificates.)

(b) by inserting in subsection two of section four after the word “subsection” the words—

Sec. 4. (Classification Committee.)

“Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, any application for a qualification certificate was withdrawn by the applicant,

War Service Land Settlement and Closer Settlement (Amendment).

5 applicant, or the committee refused to grant an
 application for a qualification certificate or other
 certificate under this subsection, the committee
 shall have power and shall be deemed always to
 10 have had power, upon the request of the appli-
 cant made not later than twelve months after
 such commencement, to reconsider any such
 application and to deal with such application in
 accordance with the foregoing provisions of this
 subsection”.

(c) by inserting at the end of section 8g the following new subsection:—

15 (2) Any regulation, whether made before or
 after the commencement of the War Service
 Land Settlement and Closer Settlement (Amend-
 ment) Act, 1951, shall be deemed always to have
 empowered the Under Secretary or other officer
 therein prescribed on behalf of the Minister to
 20 deal with such matters as may be therein
 prescribed and any decision given by the Under
 Secretary or other prescribed officer which would
 have had the same effect as if given by the
 Minister in person had such regulation been in
 force at the time of the giving of such decision
 shall be deemed always to have had the same
 25 effect as if given by the Minister in person.

(3) The Crown Lands Consolidation Act, 1913, as
 amended by subsequent Acts, is further amended—

30 (a) (i) by inserting in subsection two of section one
 hundred and sixty-one after the word
 “surrendered” where firstly occurring the
 words “or where the term of a holding has
 expired”;

(ii) by inserting in the same subsection after the
 35 word “shall” the words “not exceed the
 survey fee payable in respect of the old
 holding, and may further direct that such
 firstmentioned survey fee”;

(iii)

Sec. 8g.
 (The Under
 Secretary
 and
 prescribed
 officer may
 deal with
 certain
 matters on
 behalf of
 the
 Minister.)

Further
 amendment
 of Act No.
 7, 1913.

Sec. 161.
 (Payment of
 survey fees.)

War Service Land Settlement and Closer Settlement (Amendment).

- (iii) by inserting in the same subsection after the word "surrender" the words "or expiration";
- 5 (iv) by inserting in the same subsection after the word "surrendered" where secondly occurring the words "or the term of which has expired";
- (b) by inserting at the end of the same section the following new subsections:—
- 10 (3) Where in this Act or regulations under this Act it is provided that the cost of any necessary survey or subdivision shall be paid, the Minister shall have and shall be deemed
- 15 always to have had power to waive payment of so much of such cost as he considers to be excessive.
- (4) Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, the Minister has
- 20 waived payment of the whole or any part of any survey fee payable under this Act or regulations under this Act, he shall be deemed to have had power to do so.
- 25 (c) by inserting next after section two hundred and fifty-five the following new section:—
- 25A. Any person who at the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, was duly authorised as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act, or any person duly authorised as aforesaid after such commencement, shall continue to be so authorised notwithstanding that the Minister who duly authorised such person has ceased to hold office as Minister: Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Minister.
- (d)

New sec.
255A.Authorised
person for
purposes of
secs. 254
and 255.

War Service Land Settlement and Closer Settlement (Amendment).

(d) by inserting next after subsection two of section two hundred and seventy-two the following new subsection:—

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

5 (2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any holding as is hereinbefore mentioned where—

- (a) such holding is a small holding;
- 10 (b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
- 15 (c) the Minister consents to the transfer.

The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

20 (e) by inserting next after subsection two of section two hundred and seventy-four the following new subsection:—

Sec. 274.
(Restrictions as to assigns of homestead farms and Crown-leases.)

25 (2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any such holding as aforesaid where—

- (a) such holding is a small holding;
- 30 (b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
- (c) the Minister consents to the transfer.

35 The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

War Service Land Settlement and Closer Settlement (Amendment).

6. The War Service Land Settlement and Closer Settlement Validation Act, 1950, is amended by inserting next after section thirteen the following new section:—

Amendment
of Act No
14, 1950.
New. sec.
13A.

5 13A. (1) Notwithstanding anything contained in
any Act where land, immediately before its vesting
under the provisions of section five, six, seven, eight
or nine of this Act, was held by a trustee or personal
representative such trustee or personal representa-
10 tive or his successor in office shall be entitled to sell
and convey the land so vested, and to agree upon and
receive all compensation money whatsoever payable
in respect of the vesting of such land.

Trustees
or personal
representa-
tive deemed
entitled to
sell and
convey land
vested
under this
Act.
cf. Act No.
6, 1919,
s. 157A.

15 (2) Such compensation money shall be held
by the trustee or personal representative receiving
the same on the trusts affecting the land in respect of
which the compensation money is paid, or affecting
the compensation money, and subject to the terms
of the instrument (if any) containing such trusts
and to the provisions of this section on trust for
20 investment in accordance with section fourteen of
the Trustee Act, 1925-1942.

25 (3) A sole trustee other than a trust
corporation or a trustee or body of trustees
incorporated by any Act or a person appointed as a
sole trustee by the creator of the trust shall not be
entitled under this section to agree upon or to receive
the compensation money payable in respect of a
vesting, but upon the appointment of an additional
trustee of the instrument containing the trust
30 affecting the land approved by the Crown Solicitor
such trustees shall be entitled under this section to
agree upon and receive such money, but this
subsection does not affect the right of a sole personal
representative as such to agree upon and give a valid
35 receipt for or direct the application of such
compensation money.

(4) (a) Subject to the provisions of the
instrument (if any) creating such trusts, the
trustees or the personal representatives may, with
the

War Service Land Settlement and Closer Settlement (Amendment).

5 the consent of the person of full age and free from disability, who would have been entitled to the income of the land vested, apply the compensation money paid under this section in respect of a vesting in the purchase of other lands to be conveyed upon the like trusts as the lands in respect of which such money has been paid stood limited.

(b) If the person who would have been entitled to the income is—

10 (i) an insane or incapable person, the consent of the committee or manager of his estate, or if there is no such committee or manager, the consent of the Master in Lunacy;

15 (ii) an insane patient, the consent of the Master in Lunacy or of the Court,

shall be sufficient authority to protect the trustees or personal representatives so applying the compensation money.

20 (c) If the person who would have been entitled to the income is an infant, or a person who cannot be found or ascertained, or as to whom it is uncertain whether he is living or dead, the trustees or personal representatives may so apply the money without the consent of any person.

25 (5) The costs of the appointment of an additional trustee under subsection three, and of obtaining the necessary consents under subsection four of this section, shall be paid by the Crown.

30 (6) The powers of trustees and personal representatives under this section shall be cumulative, and not in substitution for, or in derogation of any other powers of any such persons to sell and convey land the subject of a vesting, or to agree upon and receive compensation money payable in respect of a vesting.

35 (7) In this section unless the context otherwise requires the expressions "personal representative", "trust corporation" and "Court" have the same meanings respectively as those expressions have in the Conveyancing Acts, 1919-1943.

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(8)

War Service Land Settlement and Closer Settlement (Amendment).

(8) This section shall be deemed to have applied to and in respect of any land vested under section five, six, seven, eight or nine of this Act as on and from the date upon which such land so vested.

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

(a) (i) by inserting at the commencement of subsection three of section five the words “Subject to subsection (3A) of this section”;

10 (ii) by inserting in the same subsection after the words “such works” the following new paragraph:—

15 “Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works”.

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(iii) by inserting in subparagraph (ii) of the same subsection after the words “additional lands” the words “or by transferring thereto lands from another district or from a provisional district”;

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(iv) by inserting at the end of the same subsection the words “Provided that where any lands included in or transferred to such district are held in the same interests as any other

Further amendment of Act No. 12, 1907.

Sec. 5.

(Lands to which added value accrues by reason of public works etc. may be notified for closer settlement.)

War Service Land Settlement and Closer Settlement (Amendment).

5 other lands in such district the Governor may notify the boundaries of such other lands under this subsection as if such other lands had comprised part of the lands held in the same interests which were included in or transferred to such district'';

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

10 (3A) The Governor may, at any time within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, notify in the Gazette the boundaries of the lands to which, in his opinion, an added value will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of the Denimein Provisional Domestic and Stock Water Supply and Irrigation District or of the district constituted upon completion of such works.

25 Where such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works.

35
Where

War Service Land Settlement and Closer Settlement (Amendment).

Where such district—

5 (i) when constituted includes any land in addition to that which was included in such provisional district; or

10 (ii) after being constituted is altered by including therein additional lands or by transferring thereto lands from another district or from a provisional district,

15 the Governor may, at any time within twelve months after such constitution or after any such alteration, as the case may be, notify in the Gazette the boundaries of any of the lands so included or of any of the lands so transferred or of any lands in such district held in the same interests as any of such lands so included or as any of such lands so transferred to which an added value, in his opinion, will accrue or has accrued by reason of the construction or utilisation of the works of such district.

20 (b) (i) by inserting at the commencement of paragraph (a) of subsection four of the same section the words "Subject to subsection (4A) of this section";

25 (ii) by inserting in the same paragraph after the words "each such provisional district" the following new paragraph:—

30 "Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests

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War Service Land Settlement and Closer Settlement (Amendment).

5 interests as any of such additional lands or
as any of the lands so transferred, to which
an added value, in his opinion, will accrue
or has accrued by reason of the proposed
construction or utilisation or of the
10 construction or utilisation of the works of
any such provisional district or of the
respective districts constituted upon
completion of the works of each such
provisional district”;

(iii) by inserting in subparagraph (ii) of the
same paragraph after the words “additional
lands” the words “or by transferring
thereto lands from another district or from
15 a provisional district”;

(iv) by inserting at the end of the same
paragraph the words “Provided that where
any lands included in or transferred to such
district are held in the same interests as
any other lands in such district the
20 Governor may notify the boundaries of such
other lands under this subsection as if such
other lands had comprised part of the lands
held in the same interests which were
25 included in or transferred to such district”;

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

(4A) Where before the commencement of
the War Service Land Settlement and Closer
30 Settlement (Amendment) Act, 1951, a
provisional district constituted under Part
VI of the Water Act, 1912, or under that
Act as amended by subsequent Acts, had
been altered by including therein additional
35 lands or by transferring thereto lands from
another provisional district or district, the
Governor may, at any time within twelve
months after such commencement, notify
in

War Service Land Settlement and Closer Settlement (Amendment).

5 in the Gazette the boundaries of any of such
additional lands so included or of any of the
lands so transferred or of any lands in such
provisional district held in the same
interests as any of such additional lands or
as any of the lands so transferred, to which
an added value, in his opinion, will accrue
or has accrued by reason of the proposed
10 construction or utilisation or of the
construction or utilisation of the works of
such provisional district or of the district
constituted upon completion of such works.

15 (e) by omitting from subsection five of the same
section the words "or subsection four" and by
inserting in lieu thereof the words figures and
letters "subsection (3A), subsection four or
subsection (4A)";

20 (d) by omitting from subsection six of the same
section the words "or subsection four" wherever
occurring and by inserting in lieu thereof the
words, figures and letters "subsection (3A),
subsection four or subsection (4A)";

25 (e) by inserting in paragraph (f) of subsection
seven of the same section after the words "think
just" where first occurring the words—

30 "Provided further that where any land
comprised within boundaries which have been
notified pursuant to subsection (3A) or
subsection (4A) of this section was sold at any
time before the commencement of the War
Service Land Settlement and Closer Settlement
35 (Amendment) Act, 1951, the advisory board or
the Land and Valuation Court, as the case may
be, if satisfied that the sale was made in good
faith and that the price paid for the land
included any part of such added value, may make
such allowance therefor in its assessment or
determination as it may think just".

War Service Land Settlement and Closer Settlement (Amendment).

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

Further amendment of Act No. 12, 1907.

5 (a) by inserting at the end of subsection four of section four the following new paragraph:—

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

10 (c) In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of paragraph (a) or (b) of this subsection, as the case may be, shall apply accordingly.

20 (b) by inserting in paragraph (f) of subsection seven of section five after the words "since that date" where secondly occurring the following words:—

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

25 "In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of subparagraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly".

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War Service Land Settlement and Closer Settlement (Amendment).

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting at the end of section one hundred and ninety-seven the following new subsection:—

Further amendment of Act No. 7, 1913. Sec. 197.

(Exchanges and purchases for public purposes.)

- 5 (4) In the case of any purchase or resumption under this section a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that
- 10 the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, or Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, as
- 15 the case may be, shall be conclusive evidence that the purchase or resumption is made for the purposes as recited or stated, and the provisions of paragraph (a) or (b) of the proviso to subsection three of this section, as the case may be, shall apply accordingly.

- 20 (3) Subsection one of this section shall be deemed to have commenced on the third day of May, one thousand nine hundred and fifty.

No. , 1951.

A BILL

To make further provision for and in relation to the settlement on the land of members or discharged members of His Majesty's naval, military or air forces and other eligible persons; to validate certain matters; for these and other purposes to amend the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, the War Service Land Settlement Act, 1941, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. RENS^HAW;—20 *November*, 1951.]

War Service Land Settlement and Closer Settlement (Amendment).

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

1. This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1951". 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 9A the words "one owner" where firstly occurring and by inserting in lieu thereof the words "owner or owners"; Sec. 9A. (Applications to Minister to acquire lands.)

(b) by inserting in the same subsection after the word "owner" where secondly occurring the words "or owners";

(c) by inserting in the same subsection after the word "price" the words "or prices";

(d) by omitting from the same subsection the words "For the purposes of this subsection:—

(a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;

(b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but—

(i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- 5 (ii) in the opinion of the Minister after report by an advisory board are occupied, controlled or used substantially in the interests of one of such owners,
- shall be deemed to be land held by the one owner” and by inserting in lieu thereof the words “Any such application may include lands owned by the applicant as well as lands owned
- 10 by any other person or persons”;
- (e) by inserting in subsection five of the same section after the word “owner” the words “or owners of the land proposed to be included or excluded or the price of which is proposed to be
- 15 increased or decreased”;
- (f) by inserting in subsection six of the same section after the word “owner” wherever occurring the words “or owners”;
- (g) by inserting in the same subsection after the
- 20 word “has” where firstly occurring the words “or have”;
- (h) by inserting in the same subsection after the word “his” the words “or their”.
- (2) The Crown Lands Consolidation Act, 1913, as
- 25 amended by subsequent Acts, is amended—
- (a) by omitting from subsection one of section 147D the words “one owner” where firstly occurring and by inserting in lieu thereof the words “owner or owners”;
- 30 (b) by inserting in the same subsection after the word “owner” where secondly occurring the words “or owners”;
- (c) by inserting in the same subsection after the word “price” the words “or prices”;
- (d)

Amendment
of Act No.
7, 1913.

Sec. 147D.
(Applica-
tion to
Minister
to acquire
lands.)

War Service Land Settlement and Closer Settlement (Amendment).

(d) by omitting from the same subsection the words "For the purposes of this subsection—

5 (a) land held by joint owners or tenants in common shall be deemed to be land held by the one owner;

(b) separate parcels of land which adjoin or are adjacent to one another and are held by different owners but

10 (i) are worked by or on behalf of or leased to a company or partnership of which such owners or any of them are members; or

15 (ii) in the opinion of the Minister after report by the Commission are occupied, controlled or used substantially in the interests of one of such owners,

20 shall be deemed to be land held by the one owner" and by inserting in lieu thereof the words "Any such application may include lands owned by the applicant as well as lands owned by any other person or persons".

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

Amendment of Act No. 12, 1907.

25 (a) by inserting at the end of subsection one of section six the following new paragraph:—

Sec. 6. (Restriction on disposition.)

30 (b) Where any proclamation under section four of this Act whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, relates to land owned by a company shares in such company shall not, while such proclamation remains in force, be transferred or

otherwise

War Service Land Settlement and Closer Settlement (Amendment).

otherwise dealt with unless the consent of the Minister to such transfer or other dealing has been first obtained.

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

10 (b) by inserting in subsection (1A) of the same section after the word "land" where firstly occurring the words "or shares in any company";

(c) by omitting from the same subsection the word "six" where firstly occurring and by inserting in lieu thereof the word "eleven".

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

Amendment of Act No. 43, 1941.

20 (a) (i) by inserting in subsection five of section three after the words "member of the forces" wherever occurring the words "or discharged member of the forces";

Sec. 3.
(Areas may be set apart for selection by members or discharged members of the forces, discharged soldiers or other eligible persons.)

(ii) by omitting from the same subsection the words "on service";

25 (b) (i) by inserting in subsection two of section four after the word "forces" where thirdly and fourthly occurring the words "or discharged member of the forces";

Sec. 4.
(Classification Committee.)

(ii) by omitting from the same subsection the words "on service";

30 (c) (i) by inserting in section five after the words "member of the forces" where firstly, secondly and thirdly occurring the words "or discharged member of the forces";

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

(ii) by omitting from subsection one of the same section the words "on service";

(iii)

War Service Land Settlement and Closer Settlement (Amendment).

- 5 (iii) by omitting from subsection two of the same section the words "and also to furnish a certificate from the appropriate Commonwealth authority that the member of the forces is on service outside the State of New South Wales".

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

Further amendment of Act No. 38, 1943.

- 10 (a) by inserting in subsection two of section eleven after the word "mortgage" where thirdly occurring the words "or by way of mortgage to the Minister";

Sec. 11. (Restrictions on transfer.)

- 15 (b) by omitting from subsection three of the same section the words "by adding to such first-mentioned amount an amount equivalent to forty times the annual rent payable under this Act" and by inserting in lieu thereof the words—

"as follows:—

- 20 (i) in the case of a closer settlement lease the title to which commenced before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, or a settlement purchase lease or a group purchase lease by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act, and

- 30 (ii) in the case of a closer settlement lease the title to which commenced after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945, by adding to such purchase money an amount equivalent to forty times the annual rent payable under this Act together

35

with

War Service Land Settlement and Closer Settlement (Amendment).

with an amount equivalent to the capital value owing to the Crown in respect of improvements on the land”;

5 (c) by inserting next after section 13A the following new sections:—

New secs.
13B and
13C.

10 13B. Where in pursuance of the provisions of section thirteen of this Act the holder of any closer settlement lease surrenders the whole or part thereof he may be paid such amount as the Minister may consider the circumstances warrant: Provided that the amount so paid shall not exceed the value of improvements, effected or purchased by such holder or by a previous holder of the closer settlement lease, which are
15 on the surrendered land at the time of the surrender.

Payment for
a sur-
rendered
closer
settlement
lease.

20 13C. It shall not be lawful for the holder of any settlement purchase lease or group purchase lease or closer settlement lease to obstruct any person acting under instructions from the Minister from entering upon the land under lease whenever such person may require to do so.

Authorised
person not
to be
obstructed.
cf. Act No.
7, 1913,
s. 227.

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

Further
amendment
of Act No.
43, 1941.

25 (a) by inserting at the end of subsection three of section three the words “Any such application made after the fifteenth day of August, one thousand nine hundred and fifty and before the
30 second day of September, one thousand nine hundred and fifty, shall be deemed to have been made within the time prescribed by this subsection”;

Sec. 3.
(Qualifica-
tion certifi-
cates.)

(b) by inserting in subsection two of section four after the word “subsection” the words—

Sec. 4.
(Classifica-
tion
Committee.)

35 “Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, any application for a qualification certificate was withdrawn by the applicant,

War Service Land Settlement and Closer Settlement (Amendment).

5 applicant, or the committee refused to grant an
 application for a qualification certificate or other
 certificate under this subsection, the committee
 shall have power and shall be deemed always to
 10 have had power, upon the request of the appli-
 cant made not later than twelve months after
 such commencement, to reconsider any such
 application and to deal with such application in
 accordance with the foregoing provisions of this
 subsection”.

(c) by inserting at the end of section 8g the following
 new subsection:—

15 (2) Any regulation, whether made before or
 after the commencement of the War Service
 Land Settlement and Closer Settlement (Amend-
 ment) Act, 1951, shall be deemed always to have
 empowered the Under Secretary or other officer
 therein prescribed on behalf of the Minister to
 20 deal with such matters as may be therein
 prescribed and any decision given by the Under
 Secretary or other prescribed officer which would
 have had the same effect as if given by the
 Minister in person had such regulation been in
 25 force at the time of the giving of such decision
 shall be deemed always to have had the same
 effect as if given by the Minister in person.

(3) The Crown Lands Consolidation Act, 1913, as
 amended by subsequent Acts, is further amended—

30 (a) (i) by inserting in subsection two of section one
 hundred and sixty-one after the word
 “surrendered” where firstly occurring the
 words “or where the term of a holding has
 expired”;

35 (ii) by inserting in the same subsection after the
 word “shall” the words “not exceed the
 survey fee payable in respect of the old
 holding, and may further direct that such
 firstmentioned survey fee”;

(iii)

Sec. 8g.
 (The Under
 Secretary
 and
 prescribed
 officer may
 deal with
 certain
 matters on
 behalf of
 the
 Minister.)

Further
 amendment
 of Act No.
 7, 1913.

Sec. 161.
 (Payment of
 survey fees.)

War Service Land Settlement and Closer Settlement (Amendment).

(iii) by inserting in the same subsection after the word "surrender" the words "or expiration";

5 (iv) by inserting in the same subsection after the word "surrendered" where secondly occurring the words "or the term of which has expired";

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

10 (3) Where in this Act or regulations under this Act it is provided that the cost of any necessary survey or subdivision shall be paid, the Minister shall have and shall be deemed
15 always to have had power to waive payment of so much of such cost as he considers to be excessive.

20 (4) Where before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, the Minister has waived payment of the whole or any part of any survey fee payable under this Act or regulations under this Act, he shall be deemed to have had power to do so.

25 (c) by inserting next after section two hundred and fifty-five the following new section:— New sec. 255A.

30 255A. Any person who at the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, was duly authorised as provided by section two hundred and fifty-four or two hundred and fifty-five of this Act, or any person duly authorised as aforesaid after such commencement, shall continue to be so authorised notwithstanding that the Minister who duly authorised such person has ceased to hold office as Minister: Authorised person for purposes of secs. 254 and 255.
35 Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Minister.

(d)

War Service Land Settlement and Closer Settlement (Amendment).

(d) by inserting next after subsection two of section two hundred and seventy-two the following new subsection:—

Sec. 272.
(Restriction as to assigns of certain holdings applied for after 1st February, 1909.)

5 (2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any holding as is hereinbefore mentioned where—

- 10 (a) such holding is a small holding;
(b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
15 (c) the Minister consents to the transfer.

The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

20 (e) by inserting next after subsection two of section two hundred and seventy-four the following new subsection:—

Sec. 274.
(Restrictions as to assigns of homestead farms and Crown-leases.)

25 (2A) The restriction on transfer imposed by subsection one of this section shall not apply to a transfer of any such holding as aforesaid where—

- (a) such holding is a small holding;
(b) the local land board reports that in its opinion such transfer would be in the best interests of land settlement notwithstanding that it would result in the proposed transferee holding substantially more than a home maintenance area; and
30 (c) the Minister consents to the transfer.

35 The Minister may consent to such transfer if the local land board so recommends or he may at his discretion refuse it.

War Service Land Settlement and Closer Settlement (Amendment).

6. The War Service Land Settlement and Closer Settlement Validation Act, 1950, is amended by inserting next after section thirteen the following new section:—

13A. (1) Notwithstanding anything contained in any Act where land, immediately before its vesting under the provisions of section five, six, seven, eight or nine of this Act, was held by a trustee or personal representative such trustee or personal representative or his successor in office shall be entitled to sell and convey the land so vested, and to agree upon and receive all compensation money whatsoever payable in respect of the vesting of such land.

Amendment of Act No 14, 1950.

New. sec. 13A.

Trustees or personal representative deemed entitled to sell and convey land vested under this Act.

cf. Act No. 6, 1919, s. 157A.

(2) Such compensation money shall be held by the trustee or personal representative receiving the same on the trusts affecting the land in respect of which the compensation money is paid, or affecting the compensation money, and subject to the terms of the instrument (if any) containing such trusts and to the provisions of this section on trust for investment in accordance with section fourteen of the Trustee Act, 1925-1942.

(3) A sole trustee other than a trust corporation or a trustee or body of trustees incorporated by any Act or a person appointed as a sole trustee by the creator of the trust shall not be entitled under this section to agree upon or to receive the compensation money payable in respect of a vesting, but upon the appointment of an additional trustee of the instrument containing the trust affecting the land approved by the Crown Solicitor such trustees shall be entitled under this section to agree upon and receive such money, but this subsection does not affect the right of a sole personal representative as such to agree upon and give a valid receipt for or direct the application of such compensation money.

(4) (a) Subject to the provisions of the instrument (if any) creating such trusts, the trustees or the personal representatives may, with the

War Service Land Settlement and Closer Settlement (Amendment).

the consent of the person of full age and free from disability, who would have been entitled to the income of the land vested, apply the compensation money paid under this section in respect of a vesting
5 in the purchase of other lands to be conveyed upon the like trusts as the lands in respect of which such money has been paid stood limited.

(b) If the person who would have been entitled to the income is—

10 (i) an insane or incapable person, the consent of the committee or manager of his estate, or if there is no such committee or manager, the consent of the Master in Lunacy;

15 (ii) an insane patient, the consent of the Master in Lunacy or of the Court,

shall be sufficient authority to protect the trustees or personal representatives so applying the compensation money.

20 (c) If the person who would have been entitled to the income is an infant, or a person who cannot be found or ascertained, or as to whom it is uncertain whether he is living or dead, the trustees or personal representatives may so apply the money without the consent of any person.

25 (5) The costs of the appointment of an additional trustee under subsection three, and of obtaining the necessary consents under subsection four of this section, shall be paid by the Crown.

30 (6) The powers of trustees and personal representatives under this section shall be cumulative, and not in substitution for, or in derogation of any other powers of any such persons to sell and convey land the subject of a vesting, or to agree upon and receive compensation money payable in respect of a vesting.

35 (7) In this section unless the context otherwise requires the expressions "personal representative", "trust corporation" and "Court" have the same meanings respectively as those expressions have in the Conveyancing Acts, 1919-1943.

40 (8)

War Service Land Settlement and Closer Settlement (Amendment).

(8) This section shall be deemed to have applied to and in respect of any land vested under section five, six, seven, eight or nine of this Act as on and from the date upon which such land so vested.

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

Further amendment of Act No. 12, 1907.

- (a) (i) by inserting at the commencement of subsection three of section five the words "Subject to subsection (3A) of this section";
- 10 (ii) by inserting in the same subsection after the words "such works" the following new paragraph:—
- 15 "Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works".
- 20
- 25
- 30 (iii) by inserting in subparagraph (ii) of the same subsection after the words "additional lands" the words "or by transferring thereto lands from another district or from a provisional district";
- 35 (iv) by inserting at the end of the same subsection the words "Provided that where any lands included in or transferred to such district are held in the same interests as any other

Sec. 5.

(Lands to which added value accrues by reason of public works etc. may be notified for closer settlement.)

War Service Land Settlement and Closer Settlement (Amendment).

5 other lands in such district the Governor may notify the boundaries of such other lands under this subsection as if such other lands had comprised part of the lands held in the same interests which were included in or transferred to such district”;

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

10 (3A) The Governor may, at any time within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1951, notify in the Gazette the boundaries of the lands to which, in his opinion, an added value will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of the Denimein Provisional Domestic and Stock Water Supply and Irrigation District or of the district constituted upon completion of such works.

25 Where such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests as any of such additional lands or as any of the lands so transferred, to which an added value, in his opinion, will accrue or has accrued by reason of the proposed construction or utilisation or of the construction or utilisation of the works of such provisional district or of the district constituted upon completion of such works.

35 Where

War Service Land Settlement and Closer Settlement (Amendment).

Where such district—

- 5 (i) when constituted includes any land in addition to that which was included in such provisional district; or
- 10 (ii) after being constituted is altered by including therein additional lands or by transferring thereto lands from another district or from a provisional district,

15 the Governor may, at any time within twelve months after such constitution or after any such alteration, as the case may be, notify in the Gazette the boundaries of any of the lands so included or of any of the lands so transferred or of any lands in such district held in the same interests as any of such lands so included or as any of such lands so transferred to which an added value, in his opinion, will accrue or has

20 accrued by reason of the construction or utilisation of the works of such district.

25 (b) (i) by inserting at the commencement of paragraph (a) of subsection four of the same section the words "Subject to subsection (4A) of this section";

(ii) by inserting in the same paragraph after the words "each such provisional district" the following new paragraph:—

30 "Where any such provisional district is altered by including therein additional lands or by transferring thereto lands from another provisional district or district, the Governor may, at any time within twelve

35 months after such alteration, notify in the Gazette the boundaries of any of such additional lands so included or of any of the lands so transferred or of any lands in such provisional district held in the same interests

War Service Land Settlement and Closer Settlement (Amendment).

- 5 interests as any of such additional lands or
as any of the lands so transferred, to which
an added value, in his opinion, will accrue
or has accrued by reason of the proposed
construction or utilisation or of the
construction or utilisation of the works of
any such provisional district or of the
respective districts constituted upon
10 completion of the works of each such
provisional district”;
- 15 (iii) by inserting in subparagraph (ii) of the
same paragraph after the words “additional
lands” the words “or by transferring
thereto lands from another district or from
a provisional district”;
- 20 (iv) by inserting at the end of the same
paragraph the words “Provided that where
any lands included in or transferred to such
district are held in the same interests as
any other lands in such district the
Governor may notify the boundaries of such
other lands under this subsection as if such
other lands had comprised part of the lands
25 held in the same interests which were
included in or transferred to such district”;
- (v) by inserting next after the same subsection
the following new subsection:—
- 30 (4A) Where before the commencement of
the War Service Land Settlement and Closer
Settlement (Amendment) Act, 1951, a
provisional district constituted under Part
VI of the Water Act, 1912, or under that
Act as amended by subsequent Acts, had
been altered by including therein additional
35 lands or by transferring thereto lands from
another provisional district or district, the
Governor may, at any time within twelve
months after such commencement, notify
in

War Service Land Settlement and Closer Settlement (Amendment).

5 in the Gazette the boundaries of any of such
 additional lands so included or of any of the
 lands so transferred or of any lands in such
 provisional district held in the same
 interests as any of such additional lands or
 as any of the lands so transferred, to which
 an added value, in his opinion, will accrue
 or has accrued by reason of the proposed
 10 construction or utilisation or of the
 construction or utilisation of the works of
 such provisional district or of the district
 constituted upon completion of such works.

15 (c) by omitting from subsection five of the same
 section the words "or subsection four" and by
 inserting in lieu thereof the words figures and
 letters "subsection (3A), subsection four or
 subsection (4A)";

20 (d) by omitting from subsection six of the same
 section the words "or subsection four" wherever
 occurring and by inserting in lieu thereof the
 words, figures and letters "subsection (3A),
 subsection four or subsection (4A)";

25 (e) by inserting in paragraph (f) of subsection
 seven of the same section after the words "think
 just" where first occurring the words—

30 "Provided further that where any land
 comprised within boundaries which have been
 notified pursuant to subsection (3A) or
 subsection (4A) of this section was sold at any
 time before the commencement of the War
 Service Land Settlement and Closer Settlement
 (Amendment) Act, 1951, the advisory board or
 the Land and Valuation Court, as the case may
 be, if satisfied that the sale was made in good
 35 faith and that the price paid for the land
 included any part of such added value, may make
 such allowance therefor in its assessment or
 determination as it may think just".

War Service Land Settlement and Closer Settlement (Amendment).

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

5 (a) by inserting at the end of subsection four of section four the following new paragraph:— Sec. 4. (Power to purchase or resume land.)

10 (c) In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of paragraph (a) or (b) of this subsection, as the case may be, shall apply accordingly.

20 (b) by inserting in paragraph (f) of subsection seven of section five after the words "since that date" where secondly occurring the following words:— Sec. 5. (Lands within fifteen miles of proposed railway and lands to which added value accrues by reason of public works)

25 "In the case of any such purchase or resumption a recital or other appropriate statement in the instrument of conveyance or surrender or in the notification in the Gazette of the resumption, as the case may be, to the effect that the purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, shall be conclusive evidence that the purchase or resumption is made for such purposes, and the provisions of subparagraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly".

War Service Land Settlement and Closer Settlement (Amendment).

(2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended by inserting at the end of section one hundred and ninety-seven the following new subsection:—

Further
amendment
of Act No.
7, 1913.
Sec. 197.

5 (4) In the case of any purchase or resumption
under this section a recital or other appropriate
statement in the instrument of conveyance or
surrender or in the notification in the Gazette of the
10 the purchase or resumption is made for the purposes
of section three of the War Service Land Settlement
Act, 1941, as amended by subsequent Acts, or Part
IVA of the Closer Settlement Amendment (Conver-
15 sion) Act, 1943, as amended by subsequent Acts, as
the case may be, shall be conclusive evidence that the
purchase or resumption is made for the purposes
as recited or stated, and the provisions of paragraph
(a) or (b) of the proviso to subsection three of this
section, as the case may be, shall apply accordingly.

(Exchanges
and
purchases
for public
purposes.)

20 (3) Subsection one of this section shall be deemed
to have commenced on the third day of May, one thousand
nine hundred and fifty.

The following is a list of the names of the persons who were present at the meeting held on the 15th day of January, 1901, at the residence of Mr. J. H. [Name], at [Address], [City], [State].

1. Mr. J. H. [Name]
 2. Mr. [Name]
 3. Mr. [Name]
 4. Mr. [Name]
 5. Mr. [Name]
 6. Mr. [Name]
 7. Mr. [Name]
 8. Mr. [Name]
 9. Mr. [Name]
 10. Mr. [Name]
 11. Mr. [Name]
 12. Mr. [Name]
 13. Mr. [Name]
 14. Mr. [Name]
 15. Mr. [Name]
 16. Mr. [Name]
 17. Mr. [Name]
 18. Mr. [Name]
 19. Mr. [Name]
 20. Mr. [Name]

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