

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, 22 November, 1955.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1955.

An Act to make further provision in relation to the assessment or determination of the value of land to be acquired for the purposes of settlement; to extend the class of improvements on closer settlement leases to be paid for by an incoming tenant; to make provision for the distribution of costs of improvements effected on land acquired for settlement; 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; to validate certain matters; and for purposes connected therewith.

War Service Land Settlement and Closer Settlement (Amendment).

BE it enacted by the Queen'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 Short title.
Settlement and Closer Settlement (Amendment) Act,
1955."

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

- (a) (i) by inserting at the end of paragraph (a) of Sec. 3.
subsection one of section three the words (Report by
"and what land the board recommends to be board.)
so acquired";
- 15 (ii) by omitting paragraphs (b), (c) and (d) of
the same subsection and by inserting in
lieu thereof the following paragraph:—
- (b) Where the owner has within the time
20 specified by the board agreed in
writing with the board as to the price
or compensation to be paid in respect
of any land which the board recom-
mends to be acquired, the price or
25 compensation agreed upon between
the owner and the board; or where
the owner has not so agreed, the
board's assessment of the fair market
value of such land.
- (iii) by inserting in paragraph (e) of the same
30 subsection after the words "the land"
wherever occurring the words "which the
board recommends to be acquired";
- (iv) by omitting from subsection three of the
35 same section the words "estimated value"
where firstly occurring and by inserting in
lieu thereof the words "fair market value";
(v)

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- (v) by omitting from the same subsection the words "estimated value is to be made" and by inserting in lieu thereof the words "fair market value is to be assessed";
- 5 (vi) by omitting from subsection four of the same section the words "estimated value" wherever occurring and by inserting in lieu thereof the words "fair market value";
- 10 (b) (i) by inserting in subsection one of section four after the word "suitable" the words "and is recommended by such advisory board";
- Sec. 4.
(Power to purchase or resume land.)
- (ii) by omitting from subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board" and by inserting in lieu thereof the words "This subsection shall not apply in respect of any resumption where the owner has agreed in writing with an advisory board as to the compensation to be paid";
- 15
- 20
- (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—
- 25
- (4) (a) The price to be paid in respect of any such purchase shall be the price agreed upon in writing between the owner and an advisory board.
- 30
- (b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—
- 35
- (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- (ii)

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5 (ii) where the owner has not so agreed—
the fair market value of the land as
assessed by an advisory board, or
where an appeal has been made in
terms of section nine of this Act, the
fair market value of the land as
determined by the Land and Valua-
tion Court.

10 (iv) by omitting from subsection five of the same
section the words “Where in pursuance of
subsection four of this section the price
recommended or value assessed by an
advisory board or the value determined by
the Land and Valuation Court” and by
15 inserting in lieu thereof the words “Where
the price or compensation agreed upon
between the owner and an advisory board or
the fair market value assessed by an
advisory board or determined by the Land
20 and Valuation Court”;

(v) by omitting from the same subsection the
words “such price or value” and by insert-
ing in lieu thereof the words “such price or
compensation or value”;

25 (c) (i) by omitting paragraph (e) of subsection
seven of section five and by inserting in lieu
thereof the following paragraph:—

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

30 (e) The compensation to be paid on any
such resumption shall, unless an
agreement is entered into under
section eleven of this Act, be—

(i) where the owner has within the
time specified by an advisory
board agreed in writing with the
advisory board as to the com-
pensation to be paid—the amount
so agreed upon;

(ii)

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- 5 (ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.
- 10 (ii) by omitting from paragraph (f) of the same subsection the words “Provided further that where any such purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the following provisions shall apply:—
- 15 (i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;
- 20 (ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph shall not exceed the value
- 25
- 30
- 35

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5 value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date.

10 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
15 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
20 subparagraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly."

(d) by omitting paragraph (b) of subsection one of section eight;

Sec. 8.
(Restrictions on right of resumption.)

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

Sec. 9.
(Appeal to Land and Valuation Court.)

30 (1) Where any land is resumed under this Act any owner of such land who has not agreed in writing with an advisory board as to the compensation to be paid in respect of such resumption and who is dissatisfied with the fair market value of the land as assessed by an advisory board may appeal
35 to the Land and Valuation Court against such assessment in accordance with rules of court of that Court.

(ii)

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- (ii) by inserting at the end of the same section the following new subsection:—
- (3) On any such appeal the Land and Valuation Court shall have regard to the matters referred to in subsection three of section three of this Act.
- (f) by omitting paragraph (b) of the proviso to section twelve; Sec. 12.
(Right of owner to require contiguous land to be resumed.)
- (g) by omitting from subsection one of section thirteen the words “fourteen thousand pounds” and by inserting in lieu thereof the words “twenty thousand pounds or in any case where the Minister on the recommendation of an advisory board fixes a greater amount than twenty thousand pounds, such greater amount”. Sec. 13.
(Retainer by owner of part of land resumed.)
- (2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.
- (a) by omitting the proviso to section 147E and by inserting in lieu thereof the following proviso:— Sec. 147E.
(Valuation.)
- Provided that any such valuation shall not exceed a valuation which in the opinion of the Commission would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.
- (b) (i) by omitting from section 147G the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and the Commission reports”; Sec. 147G.
(Purchase of land.)
- (ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following paragraph and words:—
- “(d) in the opinion of the Commission the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at

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at the time of such report nor
in excess of the fair market value
of the land, whichever is the lesser,

the Minister”;

- 5 (c) (i) by omitting from subsection one of section Sec. 197.
one hundred and ninety-seven the words (Exchanges, resumptions and purchases for public purposes.)
“for the purpose of disposal in pursuance
10 of the provisions of subsection one of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts” and by inserting in lieu thereof the words “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”;
- 15 (ii) by omitting from the same subsection the words “The price” and by inserting in lieu thereof the words “Except as hereinafter provided the price”;
- 20 (iii) by inserting in subsection two of the same section after the words “local land board” the words “or an advisory board”;
- 25 (iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—
- 30 (3) Where in pursuance of this section any land is acquired or proposed to be acquired 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
35 by subsequent Acts, the following provisions shall apply:—
- (a) where the acquisition is by way of purchase the price to be paid in respect

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respect of such purchase shall not exceed the fair market value of the land as determined by an advisory board;

5 (b) where the acquisition is by way of resumption the compensation to be paid in respect of such resumption shall be—

10 (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount
15 so agreed upon;

(ii) where the owner has not so agreed—the fair market
20 value of the land as determined by an advisory board or the Land and Valuation Court on appeal;

(c) the provisions of sections nine and ten of the Closer Settlement
25 (Amendment) Act, 1907, as amended by subsequent Acts, shall mutatis mutandis apply to and in respect of any resumption to which subparagraph (ii) of paragraph (b) of this subsection
30 applies.

(v) by omitting from subsection four of the same section the words “the proviso to”;

(vi) by omitting paragraph (d) of subsection five of the same section;

35 (vii) by omitting paragraph (h) of the same subsection;

(viii)

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

5 (7) In this section the expression “advisory board” means a Closer Settlement Advisory Board constituted under section two of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts.

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

(a) by omitting the proviso to section 9B and by inserting in lieu thereof the following proviso:— Sec. 9B. (Valuation.)

15 Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, 20 whichever is the lesser.

(b) (i) by omitting from section 9D the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”; Sec. 9D. (Purchase of land.)

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

30 “(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, 35 whichever is the lesser, the Minister”;

(c)

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- (c) by omitting the proviso to section 9i and by inserting in lieu thereof the following proviso:—

5 Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

- 10 (d) (i) by omitting from subsection one of section 9k the words "the Minister, on being satisfied" and by inserting in lieu thereof the words "and an advisory board reports";

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

20 (d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser;

- 25 (iii) by inserting in the same subsection immediately before the words "may approve of an advance" the words "the Minister".

30 (4) The amendments made by subsections one, two and three of this section shall not extend to nor affect the price or compensation payable for any land purchased or resumed before the commencement of this Act or any action, suit, proceeding, matter or thing pending or uncompleted at such commencement in respect of any resumption effected before such commencement.

35 The price or compensation payable for any land purchased or resumed before the commencement of this Act shall be the price or compensation which would have been payable had such amendments not been made, and any action, suit, proceeding, matter or thing pending or uncompleted at such commencement in respect of any resumption effected before such commencement may be continued and completed as if such amendments had not been made.

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

Further amendment of Act No. 38, 1943.

5 (a) (i) by omitting from paragraph (a) of subsection two of section seven the words “improvements thereon” and by inserting in lieu thereof the words “and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

Sec. 7. (Setting apart.)

10 (ii) by inserting in the same paragraph after the word “structural” where secondly occurring the words “and other”;

15 (iii) by omitting the proviso to the same paragraph and by inserting in lieu thereof the following proviso:—

20 Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

25 (iv) by inserting in paragraph (d) of the same subsection after the word “structural” the words “and other”;

30 (b) (i) by omitting from paragraph (c) of subsection one of section 9F the words “improvements thereon” and by inserting in lieu thereof the words “and any other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

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

(ii)

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- (ii) by inserting in the same paragraph after the word "structural" where secondly occurring the words "and other";
- 5 (iii) by omitting from the same paragraph the words "Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board" and
- 10 by inserting in lieu thereof the words "Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder
- 15 be added to by the Minister on the like recommendation".
- 20 (iv) by inserting in paragraph (d1) of the same subsection after the word "structural" the words "and other";
- 25 (c) by inserting in section 10A after the word "structural" the words "or other".
- Sec. 10A.
(Payment for improvements.)
- (2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—
- Amendment of Act No. 43, 1941.
- 30 (a) by inserting in paragraph (c) of subsection one of section 8D after the word "structural" the words "and other";
- Sec. 8D.
(Assistance period.)
- (b) by inserting in paragraph (e) of subsection two of the same section after the word "structural" the words "and other".

(3)

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(3) Subparagraphs (i) (ii) and (iv) of paragraphs (a) and (b) of subsection one of this section and subsection two of this section shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

Further amendment of Act No. 12, 1907.

(a) by omitting from paragraph (f) of subsection seven of section five the words "subsections three and four of this section" and by inserting in lieu thereof the words "subsections three, (3A), four and (4A) of this section";

Sec. 5.

(Lands within fifteen miles

of proposed railway and lands to

which added value accrues

by reason of public works.)

(b) by inserting at the end of the same paragraph the words—

"In this paragraph the expression 'added value' in relation to land in a domestic and stock water supply and irrigation district (whether provisional or not) includes and shall be deemed always to have included any additional value which would accrue or is likely to accrue or has accrued to such land from the inclusion of such land in the district or from the attachment to such land of water rights or any other rights under the provisions of the Water Act, 1912, as amended by subsequent Acts, or from the actual or prospective enjoyment of water rights or other such rights."

(2) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventh day of December, one thousand nine hundred and fifty-one.

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

Further amendment of Act No. 43, 1941.

(a) (i) by omitting from section 8B the words—

Sec. 8B.

"Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling

(Development of lands for war service land settlement.)

are

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5 are or is completed after disposal or vesting
of the land, as the case may be, the holder
shall become liable to the Crown for all pay-
ments in respect thereof, and in like manner,
as he would have been required by law to
make if such improvements or roads of
access or the preparation otherwise of the
farms, blocks or areas for settlement or the
erection of the dwelling had been completed
10 prior to disposal or vesting; but the first of
such payments shall not become due until
a date to be determined by the Minister
such date being not later than the date on
which the first payment would have become
15 due if the holder's title to the holding had
commenced on the day next succeeding the
day on which the improvements or the roads
of access, or the preparation otherwise of
the farms, blocks or areas for settlement, or
20 erection of the dwelling, as the case may be,
were completed. Any necessary adjustment
shall be made as to the capital value and
annual rent of the farm and of the nature
and value of any structural improvements
25 which are to be paid for by the holder."

(ii) by inserting at the end of the same section
the words—

30 " 'Otherwise preparing farms, blocks or
areas for settlement' in this section shall
include and shall be deemed always to have
included the carrying out of works for or in
connection with the supply of water whether
such works were carried out on the farms,
blocks or areas or not."

35 (b) by inserting in subsection five of section 8c after
the word "made" where lastly occurring the
words "or where the advance has been
transferred

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

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transferred pursuant to subsection (2A) of this section by the person to whom the advance was so transferred”;

- (c) by inserting next after section 8c the following New sec. 8cc
new section:—

8cc. (1) Where before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, moneys were or are expended by the Minister under section 8B of this Act or were or are advanced by the Minister under section 8c of this Act for the purpose of paying for or effecting improvements the Minister shall be deemed always to have had power and shall have power in relation to—

Distribution of costs of improvements.

(a) any farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof, and

(b) any farm within the same subdivided area as a farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof,

to re-determine and vary, at his absolute discretion, by way of increase or decrease, the capital value and annual rent of any such farm and the amount payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

(2) Where the capital value or the annual rent of any farm referred to in subsection one of this section has been varied, whether before or after the commencement of the War Service Land

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Land Settlement and Closer Settlement (Amendment) Act, 1955, the variation shall be deemed to have taken effect or shall take effect as from the date determined by the Minister.

5 (3) Where the amount payable by the
holder of a farm referred to in subsection one
of this section for structural or other improve-
ments has been varied whether before or after
10 the commencement of the War Service Land
Settlement and Closer Settlement (Amendment)
Act, 1955, the amount as so varied and interest
thereon at the rate of two and one-half per
centum per annum shall be deemed to have been
payable and shall be payable by such holder
15 in such manner, by such instalments and at such
times as the Minister either generally or in
any particular class of cases has directed.

20 (4) Where the amount payable by the
holder of a farm referred to in subsection one
of this section in respect of moneys advanced by
the Minister as aforesaid for the purpose of
paying for or effecting improvements upon such
land has been varied whether before or after
25 the commencement of the War Service Land
Settlement and Closer Settlement (Amendment)
Act, 1955, the amount as so varied and interest
thereon at the rate determined by the Minister
shall be deemed to have been payable and shall
30 be payable by such holder in such manner, by
such instalments and at such times, and to such
nominee of the Minister as the Minister either
generally or in any particular class of cases has
directed.

35 (5) The provisions of this Act, the
Closer Settlement Amendment (Conversion)
Act, 1943, as amended by subsequent
Acts, and any other Act, with respect
to forfeiture for default in the payment of the
92—B annual

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5 annual rent of a holding or of any amount payable by the holder of a holding for structural or other improvements or in respect of moneys advanced by the Minister for the purpose of
 10 applying, mutatis mutandis, to and in respect of the payment of the annual rent, varied as referred to in subsection one of this section, of any farm referred to in that subsection, and to and in
 15 respect of any amount, so varied, payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

15 (6) For the purposes of this section "subdivided area" means an area disposed of in two or more farms in accordance with section three of this Act, or under Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, or
 20 under Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

25 (7) "Minister" in this section in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1955.

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

6. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended by inserting at the end of subsection three of section three
 35 the following new paragraph:—

In the case of a discharged member of the forces who while a member of the forces was issued with a qualification certificate or made application for a qualification
 qualification

Further amendment of Act No. 43, 1941.

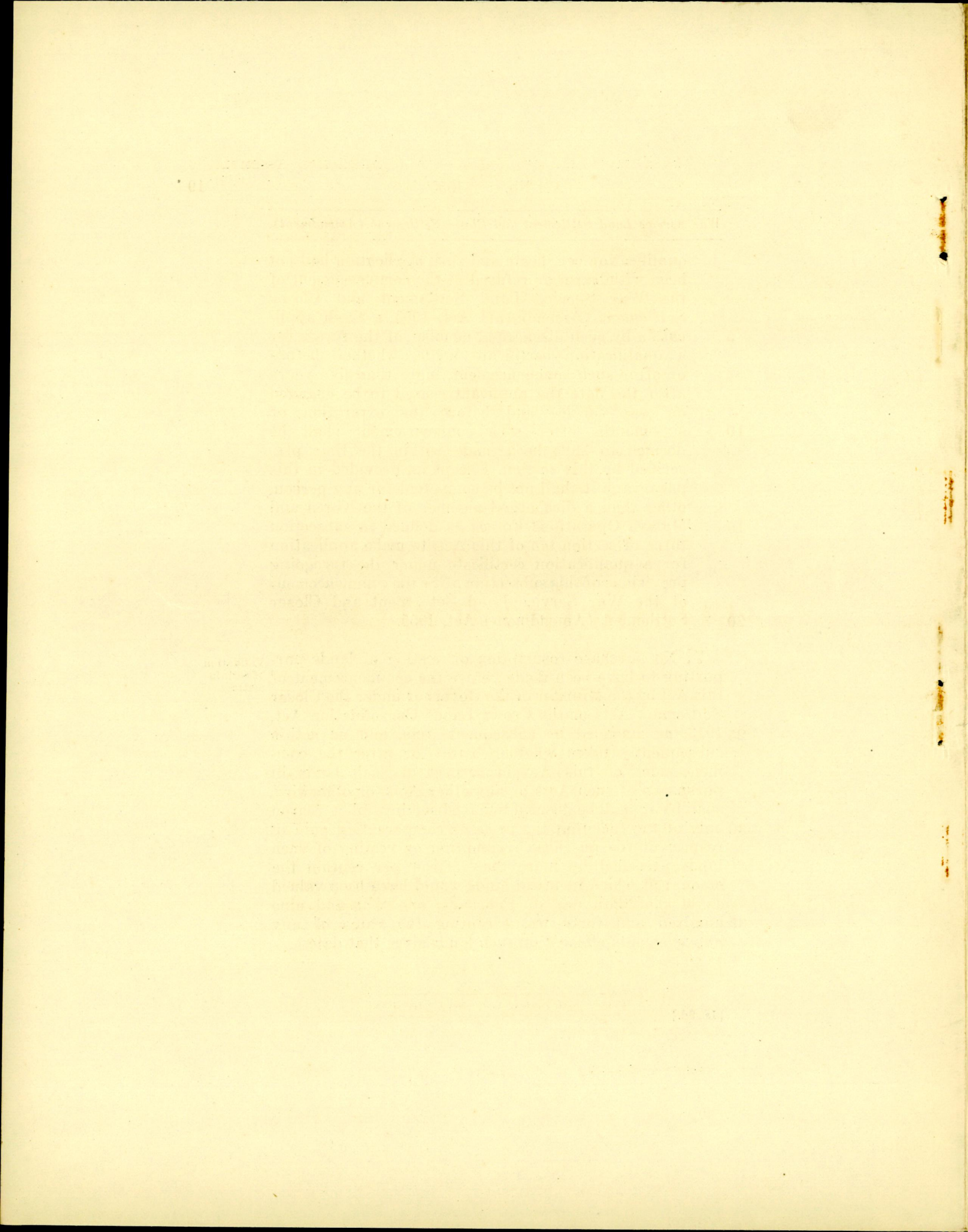
Sec. 3 (3). (Qualification certificates.)

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5 qualification certificate and such application had not
 been withdrawn or refused at the commencement of
 the War Service Land Settlement and Closer
 Settlement (Amendment) Act, 1955, a fresh appli-
 10 cation by such discharged member of the forces for
 a qualification certificate made, whether before
 or after such commencement, more than five years
 after the date the applicant ceased to be engaged
 on war service and before the expiration of
 15 six months after such commencement shall be
 deemed to have been made within the time pre-
 scribed by this section. Except as provided in this
 paragraph it shall not be competent for any person,
 other than a discharged member of the Korea and
 20 Malaya Operations Forces as defined in subsection
 three of section ten of this Act, to make application
 for a qualification certificate under the foregoing
 provisions of this subsection after the commencement
 of the War Service Land Settlement and Closer
 Settlement (Amendment) Act, 1955.

7. No purchase resumption or vesting of lands pur-
 25 porting to have been made before the commencement of
 this Act by the Minister or the Governor under the Closer
 Settlement Acts or the Crown Lands Consolidation Act,
 1913, as amended by subsequent Acts, and no action
 subsequently taken whether before or after the com-
 mencement of this Act in respect of such lands in
 pursuance of such Acts or any other Acts, or otherwise,
 shall be or shall be deemed to have been invalid by reason
 30 only of the fact that the price or compensation paid in
 respect of the purchase resumption or vesting of such
 lands exceeded by more than fifteen per centum the
 amount at which identical lands would have been valued
 as at the tenth day of February, one thousand nine
 35 hundred and forty-two, excepting the value of any
 improvements effected on such lands since that date.

Validation
of certain
matters.



No. , 1955.

A BILL

To make further provision in relation to the assessment or determination of the value of land to be acquired for the purposes of settlement; to extend the class of improvements on closer settlement leases to be paid for by an incoming tenant; to make provision for the distribution of costs of improvements effected on land acquired for settlement; 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; to validate certain matters; and for purposes connected therewith.

[Mr. HAWKINS;—15 *November*, 1955.]

War Service Land Settlement and Closer Settlement (Amendment).

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

1. This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1955." Short title.

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

(a) (i) by inserting at the end of paragraph (a) of subsection one of section three the words "and what land the board recommends to be so acquired"; Sec. 3. (Report by board.)

15 (ii) by omitting paragraphs (b), (c) and (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(b) Where the owner has within the time specified by the board agreed in writing with the board as to the price or compensation to be paid in respect of any land which the board recommends to be acquired, the price or compensation agreed upon between the owner and the board; or where the owner has not so agreed, the board's assessment of the fair market value of such land.

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30 (iii) by inserting in paragraph (e) of the same subsection after the words "the land" wherever occurring the words "which the board recommends to be acquired";

35 (iv) by omitting from subsection three of the same section the words "estimated value" where firstly occurring and by inserting in lieu thereof the words "fair market value";

(v)

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- (v) by omitting from the same subsection the words "estimated value is to be made" and by inserting in lieu thereof the words "fair market value is to be assessed";
- 5 (vi) by omitting from subsection four of the same section the words "estimated value" wherever occurring and by inserting in lieu thereof the words "fair market value";
- 10 (b) (i) by inserting in subsection one of section four after the word "suitable" the words "and is recommended by such advisory board";
- Sec. 4.
(Power to purchase or resume land.)
- 15 (ii) by omitting from subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board" and by inserting in lieu thereof the words "This subsection shall not apply in respect of any resumption where the owner has agreed in writing with an advisory board as to the compensation to be paid";
- 20 (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—
- 25 (4) (a) The price to be paid in respect of any such purchase shall be the price agreed upon in writing between the owner and an advisory board.
- 30 (b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—
- 35 (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the the amount so agreed upon;
- (ii)

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- 5 (ii) where the owner has not so agreed—
the fair market value of the land as
assessed by an advisory board, or
where an appeal has been made in
terms of section nine of this Act, the
fair market value of the land as
determined by the Land and Valua-
tion Court.
- 10 (iv) by omitting from subsection five of the same
section the words “Where in pursuance of
subsection four of this section the price
recommended or value assessed by an
15 advisory board or the value determined by
the Land and Valuation Court” and by
inserting in lieu thereof the words “Where
the price or compensation agreed upon
between the owner and an advisory board or
the fair market value assessed by an
20 advisory board or determined by the Land
and Valuation Court”;
- (v) by omitting from the same subsection the
words “such price or value” and by insert-
ing in lieu thereof the words “such price or
compensation or value”;
- 25 (c) (i) by omitting paragraph (e) of subsection
seven of section five and by inserting in lieu
thereof the following paragraph:—
- (e) The compensation to be paid on any
30 such resumption shall, unless an
agreement is entered into under
section eleven of this Act, be—
- (i) where the owner has within the
time specified by an advisory
board agreed in writing with the
35 advisory board as to the com-
pensation to be paid—the amount
so agreed upon;
- (ii)
- Sec. 5.
(Lands
within
fifteen
miles of
proposed
railway and
lands to
which added
value
accrues
by reason of
public
works.)

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- 5 (ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.
- 10 (ii) by omitting from paragraph (f) of the same subsection the words “Provided further that where any such purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 15 1941, as amended by subsequent Acts, the following provisions shall apply:—
- 20 (i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed under this paragraph in respect of 25 an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;
- 30 (ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph shall not exceed the 35 value

War Service Land Settlement and Closer Settlement (Amendment).

5 value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date.

10 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
15 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
20 for such purposes, and the provisions of subparagraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly."

(d) by omitting paragraph (b) of subsection one of section eight; Sec. 8.
(Restrictions on right of resumption.)

25 (e) (i) by omitting subsection one of section nine and by inserting in lieu thereof the following subsection:— Sec. 9.
(Appeal to Land and Valuation Court.)

30 (1) Where any land is resumed under this Act any owner of such land who has not agreed in writing with an advisory board as to the compensation to be paid in respect of such resumption and who is dissatisfied with the fair market value of the land as
35 assessed by an advisory board may appeal to the Land and Valuation Court against such assessment in accordance with rules of court of that Court.

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting at the end of the same section the following new subsection:—
- (3) On any such appeal the Land and Valuation Court shall have regard to the matters referred to in subsection three of section three of this Act.
- 5 (f) by omitting paragraph (b) of the proviso to section twelve; Sec. 12. (Right of owner to require contiguous land to be resumed.)
- 10 (g) by omitting from subsection one of section thirteen the words “fourteen thousand pounds” and by inserting in lieu thereof the words “twenty thousand pounds.” Sec. 13. (Retainer by owner of part of land resumed.)
- 15 (2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.
- (a) by omitting the proviso to section 147E and by inserting in lieu thereof the following proviso:— Sec. 147E. (Valuation.)
- 20 Provided that any such valuation shall not exceed a valuation which in the opinion of the Commission would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.
- 25 (b) (i) by omitting from section 147G the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and the Commission reports”; Sec. 147G. (Purchase of land.)
- 30 (ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following paragraph and words:—
- 35 “(d) in the opinion of the Commission the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at

War Service Land Settlement and Closer Settlement (Amendment).

at the time of such report nor
in excess of the fair market value
of the land, whichever is the lesser,

the Minister”;

- 5 (c) (i) by omitting from subsection one of section Sec. 197.
one hundred and ninety-seven the words (Exchanges, resumptions and purchases for public purposes.)
“for the purpose of disposal in pursuance
10 of the provisions of subsection one of
section three of the War Service Land
Settlement Act, 1941, as amended by sub-
sequent Acts” and by inserting in lieu
thereof the words “for the purposes of
15 section three of the War Service Land
Settlement Act, 1941, as amended by sub-
sequent Acts, or Part IV_A of the Closer
Settlement Amendment (Conversion) Act,
1943, as amended by subsequent Acts”;
- (ii) by omitting from the same subsection the
20 words “The price” and by inserting in lieu
thereof the words “Except as hereinafter
provided the price”;
- (iii) by inserting in subsection two of the same
section after the words “local land board”
the words “or an advisory board”;
- 25 (iv) by omitting subsection three of the same
section and by inserting in lieu thereof the
following subsection:—
- (3) Where in pursuance of this section
30 any land is acquired or proposed to be
acquired 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 Amend-
ment (Conversion) Act, 1943, as amended
35 by subsequent Acts, the following provisions
shall apply:—
- (a) where the acquisition is by way
of purchase the price to be paid in
respect

War Service Land Settlement and Closer Settlement (Amendment).

respect of such purchase shall not exceed the fair market value of the land as determined by an advisory board;

- 5 (b) where the acquisition is by way of resumption the compensation to be paid in respect of such resumption shall be—
- 10 (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- 15 (ii) where the owner has not so agreed—the fair market value of the land as determined by an advisory board or the Land and Valuation Court on appeal;
- 20 (c) the provisions of sections nine and ten of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, shall mutatis mutandis apply to and in respect of any resumption to which subparagraph (ii) of paragraph (b) of this subsection
- 25 applies.
- 30 (v) by omitting from subsection four of the same section the words “the proviso to”;
- (vi) by omitting paragraph (d) of subsection five of the same section;
- 35 (vii) by omitting paragraph (h) of the same subsection;
- (viii)

War Service Land Settlement and Closer Settlement (Amendment).

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

5 (7) In this section the expression “advisory board” means a Closer Settlement Advisory Board constituted under section two of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts.

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

(a) by omitting the proviso to section 9B and by inserting in lieu thereof the following proviso:— Sec. 9B. (Valuation.)

15 Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, 20 whichever is the lesser.

(b) (i) by omitting from section 9D the words “the Sec. 9D. (Purchase of land.) Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”;

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

30 “(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, 35 whichever is the lesser,

the Minister”;

(c)

War Service Land Settlement and Closer Settlement (Amendment).

- (c) by omitting the proviso to section 9i and by ^{Sec. 9i.} inserting in lieu thereof the following proviso:— (Valuation.)

5 Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

- 10 (d) (i) by omitting from subsection one of section ^{Sec. 9k.} 9k the words “the Minister, on being satisfied” and by inserting in lieu thereof ^(Approval of advance.) the words “and an advisory board reports”;

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

20 (d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser;

25 (iii) by inserting in the same subsection immediately before the words “may approve of an advance” the words “the Minister”.

(4) The amendments made by subsections one, two and three of this section shall not extend to nor affect
30 the price or compensation payable for any land purchased or resumed before the commencement of this Act or any action, suit, proceeding, matter or thing pending or uncompleted at such commencement. The price or compensation payable for any land purchased or resumed
35 before the commencement of this Act shall be the price or compensation which would have been payable had such amendments not been made, and any action, suit, proceeding, matter or thing pending or uncompleted at such commencement may be continued and completed as
40 if such amendments had not been made.

War Service Land Settlement and Closer Settlement (Amendment).

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

Further amendment of Act No. 38, 1943.

5 (a) (i) by omitting from paragraph (a) of subsection two of section seven the words “improvements thereon” and by inserting in lieu thereof the words “and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

Sec. 7. (Setting apart.)

10 (ii) by inserting in the same paragraph after the word “structural” where secondly occurring the words “and other”;

15 (iii) by omitting the proviso to the same paragraph and by inserting in lieu thereof the following proviso:—

20 Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as

25 aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

30 (iv) by inserting in paragraph (d) of the same subsection after the word “structural” the words “and other”;

35 (b) (i) by omitting from paragraph (c) of subsection one of section 9F the words “improvements thereon” and by inserting in lieu thereof the words “and any other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

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

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting in the same paragraph after the word "structural" where secondly occurring the words "and other";
- 5 (iii) by omitting from the same paragraph the words "Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board" and 10 by inserting in lieu thereof the words "Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient 15 cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like 20 recommendation".

(iv) by inserting in paragraph (d1) of the same subsection after the word "structural" the words "and other";

25 (c) by inserting in section 10A after the word "structural" the words "or other".

Sec. 10A.
(Payment for improvements.)

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

Amendment of Act No. 43, 1941.

30 (a) by inserting in paragraph (c) of subsection one of section 8D after the word "structural" the words "and other";

Sec. 8D.
(Assistance period.)

(b) by inserting in paragraph (e) of subsection two of the same section after the word "structural" the words "and other".

(3)

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subparagraphs (i) (ii) and (iv) of paragraphs (a) and (b) of subsection one of this section and subsection two of this section shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

Further amendment of Act No. 12, 1907.

- 10 (a) by omitting from paragraph (f) of subsection seven of section five the words "subsections three and four of this section" and by inserting in lieu thereof the words "subsections three, (3A), four and (4A) of this section";
- 15 (b) by inserting at the end of the same paragraph the words—
- 20 "In this paragraph the expression 'added value' in relation to land in a domestic and stock water supply and irrigation district (whether provisional or not) includes and shall be deemed always to have included any additional value which would accrue or is likely to accrue or has accrued to such land from the inclusion of such land in the district or from the attachment to such land of water rights or any other rights
- 25 under the provisions of the Water Act, 1912, as amended by subsequent Acts, or from the actual or prospective enjoyment of water rights or other such rights."

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

(2) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventh day of December, one thousand nine hundred and fifty-one.

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

Further amendment of Act No. 43, 1941.

- 35 (a) (i) by omitting from section 8B the words—
- "Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling
- are

Sec. 8B.
(Development of lands for war service land settlement.)

War Service Land Settlement and Closer Settlement (Amendment).

5 are or is completed after disposal or vesting
of the land, as the case may be, the holder
shall become liable to the Crown for all pay-
ments in respect thereof, and in like manner,
as he would have been required by law to
make if such improvements or roads of
access or the preparation otherwise of the
farms, blocks or areas for settlement or the
erection of the dwelling had been completed
10 prior to disposal or vesting; but the first of
such payments shall not become due until
a date to be determined by the Minister
such date being not later than the date on
which the first payment would have become
15 due if the holder's title to the holding had
commenced on the day next succeeding the
day on which the improvements or the roads
of access, or the preparation otherwise of
the farms, blocks or areas for settlement, or
20 erection of the dwelling, as the case may be,
were completed. Any necessary adjustment
shall be made as to the capital value and
annual rent of the farm and of the nature
and value of any structural improvements
25 which are to be paid for by the holder."

(ii) by inserting at the end of the same section
the words—

30 " 'Otherwise preparing farms, blocks or
areas for settlement' in this section shall
include and shall be deemed always to have
included the carrying out of works for or in
connection with the supply of water whether
such works were carried out on the farms,
blocks or areas or not."

35 (b) by inserting in subsection five of section 8c after
the word "made" where lastly occurring the
words "or where the advance has been
transferred

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

War Service Land Settlement and Closer Settlement (Amendment).

transferred pursuant to subsection (2A) of this section by the person to whom the advance was so transferred”;

- (c) by inserting next after section 8c the following New sec. 8cc
new section:—

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8cc. (1) Where before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, moneys were or are expended by the Minister under section 8B of this Act or were or are advanced by the Minister under section 8c of this Act for the purpose of paying for or effecting improvements the Minister shall be deemed always to have had power and shall have power in relation to—

Distribution
of costs of
improvements.

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- (a) any farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof, and

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- (b) any farm within the same subdivided area as a farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof,

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to re-determine and vary, at his absolute discretion, by way of increase or decrease, the capital value and annual rent of any such farm and the amount payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

35

- (2) Where the capital value or the annual rent of any farm referred to in subsection one of this section has been varied, whether before or after the commencement of the War Service Land

War Service Land Settlement and Closer Settlement (Amendment).

Land Settlement and Closer Settlement (Amendment) Act, 1955, the variation shall be deemed to have taken effect or shall take effect as from the date determined by the Minister.

5 (3) Where the amount payable by the holder of a farm referred to in subsection one of this section for structural or other improvements has been varied whether before or after the commencement of the War Service Land
10 Settlement and Closer Settlement (Amendment) Act, 1955, the amount as so varied and interest thereon at the rate of two and one-half per centum per annum shall be deemed to have been
15 payable and shall be payable by such holder in such manner, by such instalments and at such times as the Minister either generally or in any particular class of cases has directed.

20 (4) Where the amount payable by the holder of a farm referred to in subsection one of this section in respect of moneys advanced by the Minister as aforesaid for the purpose of paying for or effecting improvements upon such land has been varied whether before or after
25 the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, the amount as so varied and interest thereon at the rate determined by the Minister shall be deemed to have been payable and shall
30 be payable by such holder in such manner, by such instalments and at such times, and to such nominee of the Minister as the Minister either generally or in any particular class of cases has directed.

35 (5) The provisions of this Act, the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, and any other Act, with respect to forfeiture for default in the payment of the
92—B annual

War Service Land Settlement and Closer Settlement (Amendment).

5 annual rent of a holding or of any amount payable by the holder of a holding for structural or other improvements or in respect of moneys advanced by the Minister for the purpose of paying for or effecting improvements, shall apply, mutatis mutandis, to and in respect of the payment of the annual rent, varied as referred to in subsection one of this section, of any farm referred to in that subsection, and to and in respect of any amount, so varied, payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

15 (6) For the purposes of this section "subdivided area" means an area disposed of in two or more farms in accordance with section three of this Act, or under Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, or under Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

25 (7) "Minister" in this section in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1955.

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

35 **6.** The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended by inserting at the end of subsection three of section three the following new paragraph:—

In the case of a discharged member of the forces who while a member of the forces was issued with a qualification certificate or made application for a qualification

Further amendment of Act No. 43, 1941.

Sec. 3 (3). (Qualification certificates.)

War Service Land Settlement and Closer Settlement (Amendment).

5 qualification certificate and such application had not
 been withdrawn or refused at the commencement of
 the War Service Land Settlement and Closer
 Settlement (Amendment) Act, 1955, a fresh appli-
 10 cation by such discharged member of the forces for
 a qualification certificate made, whether before
 or after such commencement, more than five years
 after the date the applicant ceased to be engaged
 on war service and before the expiration of
 15 six months after such commencement shall be
 deemed to have been made within the time pre-
 scribed by this section. Except as provided in this
 paragraph it shall not be competent for any person,
 other than a discharged member of the Korea and
 20 Malaya Operations Forces as defined in subsection
 three of section ten of this Act, to make application
 for a qualification certificate under the foregoing
 provisions of this subsection after the commencement
 of the War Service Land Settlement and Closer
 Settlement (Amendment) Act, 1955.

7. No purchase resumption or vesting of lands pur-
 25 porting to have been made before the commencement of
 this Act by the Minister or the Governor under the Closer
 Settlement Acts or the Crown Lands Consolidation Act,
 1913, as amended by subsequent Acts, and no action
 subsequently taken whether before or after the com-
 mencement of this Act in respect of such lands in
 pursuance of such Acts or any other Acts, or otherwise,
 shall be or shall be deemed to have been invalid by reason
 30 only of the fact that the price or compensation paid in
 respect of the purchase resumption or vesting of such
 lands exceeded by more than fifteen per centum the
 amount at which identical lands would have been valued
 as at the tenth day of February, one thousand nine
 35 hundred and forty-two, excepting the value of any
 improvements effected on such lands since that date.

Validation
 of certain
 matters.

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WAR SERVICE LAND SETTLEMENT AND CLOSER SETTLEMENT (AMENDMENT) BILL, 1955.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to provide that the compensation for land compulsorily acquired for settlement shall be the fair market value of the land;
- (b) to increase from £14,000 to £20,000 the value of land (ex buildings) which an owner is entitled to retain where the land proposed to be resumed is the subject of a proclamation under section four of the Closer Settlement (Amendment) Act, 1907;
- (c) to extend the class of improvements on closer settlement leases to be paid for by an incoming tenant instead of being included in the capital value of the farm;
- (d) to clarify the “added value” which is to be excluded from the price or compensation to be paid under section five of the Closer Settlement (Amendment) Act, 1907;
- (e) to enable the liability for payment in respect of improvements effected on land acquired for war service land settlement to be re-determined and varied;
- (f) to provide that applications for qualification certificates by persons other than discharged members of the Korea and Malaya Operations Forces and certain discharged members of the forces shall not be made after the commencement of the Act to give effect to this Bill;
- (g) to validate the payment of prices and compensation in excess of values of land as at the tenth day of February, one thousand nine hundred and forty-two, plus fifteen per centum, and to remove doubt as to the validity of acquisitions where such prices and compensation have been paid;
- (h) to make other amendments of a machinery or ancillary nature.

WAR SERVICE LAND SETTLEMENT AND CREDIT SETTLEMENT
(AMENDMENT - BILL 1932)

EXPLANATORY NOTE

The object of this Bill is to amend the War Service Land Settlement and Credit Settlement Act, 1931, in relation to the following matters:

- (1) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (2) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (3) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (4) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (5) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (6) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (7) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (8) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (9) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.
- (10) To provide that the War Service Land Settlement and Credit Settlement Board shall have power to make regulations for the purpose of giving effect to the provisions of the Act.

PROOF

No. , 1955.

A BILL

To make further provision in relation to the assessment or determination of the value of land to be acquired for the purposes of settlement; to extend the class of improvements on closer settlement leases to be paid for by an incoming tenant; to make provision for the distribution of costs of improvements effected on land acquired for settlement; 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; to validate certain matters; and for purposes connected therewith.

[Mr. HAWKINS;—15 *November*, 1955.]

War Service Land Settlement and Closer Settlement (Amendment).

BE it enacted by the Queen'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 Short title.
Settlement and Closer Settlement (Amendment) Act,
1955."

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

(a) (i) by inserting at the end of paragraph (a) of Sec. 3.
subsection one of section three the words (Report by
"and what land the board recommends to be board.)
so acquired";

15 (ii) by omitting paragraphs (b), (c) and (d) of
the same subsection and by inserting in
lieu thereof the following paragraph:—

(b) Where the owner has within the time
20 specified by the board agreed in
writing with the board as to the price
or compensation to be paid in respect
of any land which the board recom-
25 mends to be acquired, the price or
compensation agreed upon between
the owner and the board; or where
the owner has not so agreed, the
board's assessment of the fair market
value of such land.

30 (iii) by inserting in paragraph (e) of the same
subsection after the words "the land"
wherever occurring the words "which the
board recommends to be acquired";

35 (iv) by omitting from subsection three of the
same section the words "estimated value"
where firstly occurring and by inserting in
lieu thereof the words "fair market value";

(v)

War Service Land Settlement and Closer Settlement (Amendment).

- (v) by omitting from the same subsection the words "estimated value is to be made" and by inserting in lieu thereof the words "fair market value is to be assessed";
- 5 (vi) by omitting from subsection four of the same section the words "estimated value" wherever occurring and by inserting in lieu thereof the words "fair market value";
- 10 (b) (i) by inserting in subsection one of section four after the word "suitable" the words "and is recommended by such advisory board";
- Sec. 4.
(Power to purchase or resume land.)
- 15 (ii) by omitting from subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board" and by inserting in lieu thereof the words "This subsection shall not apply in respect of any resumption where the owner has agreed in writing with an advisory board as to the compensation to be paid";
- 20 (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—
- 25 (4) (a) The price to be paid in respect of any such purchase shall be the price agreed upon in writing between the owner and an advisory board.
- 30 (b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—
- 35 (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- (ii)

War Service Land Settlement and Closer Settlement (Amendment).

5 (ii) where the owner has not so agreed—
the fair market value of the land as
assessed by an advisory board, or
where an appeal has been made in
terms of section nine of this Act, the
fair market value of the land as
determined by the Land and Valua-
tion Court.

10 (iv) by omitting from subsection five of the same
section the words “Where in pursuance of
subsection four of this section the price
recommended or value assessed by an
advisory board or the value determined by
the Land and Valuation Court” and by
15 inserting in lieu thereof the words “Where
the price or compensation agreed upon
between the owner and an advisory board or
the fair market value assessed by an
advisory board or determined by the Land
20 and Valuation Court”;

(v) by omitting from the same subsection the
words “such price or value” and by insert-
ing in lieu thereof the words “such price or
compensation or value”;

25 (c) (i) by omitting paragraph (e) of subsection
seven of section five and by inserting in lieu
thereof the following paragraph:—

30 (e) The compensation to be paid on any
such resumption shall, unless an
agreement is entered into under
section eleven of this Act, be—

35 (i) where the owner has within the
time specified by an advisory
board agreed in writing with the
advisory board as to the com-
pensation to be paid—the amount
so agreed upon;

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

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- 5 (ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.
- 10 (ii) by omitting from paragraph (f) of the same subsection the words “Provided further that where any such purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 15 1941, as amended by subsequent Acts, the following provisions shall apply:—
- 20 (i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or 25 value which would have been assessed under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any 30 improvements effected on such land since that date;
- 35 (ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph shall not exceed the value

War Service Land Settlement and Closer Settlement (Amendment).

5 value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date.

10 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 sub-paragraph (i) or (ii) of the immediately preceding proviso, as the case may be, shall apply accordingly."

(d) by omitting paragraph (b) of subsection one of section eight;

Sec. 8.
(Restrictions on right of resumption.)

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

Sec. 9.
(Appeal to Land and Valuation Court.)

30 (1) Where any land is resumed under this Act any owner of such land who has not agreed in writing with an advisory board as to the compensation to be paid in respect of such resumption and who is dissatisfied with the fair market value of the land as assessed by an advisory board may appeal to the Land and Valuation Court against such assessment in accordance with rules of court of that Court.

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting at the end of the same section the following new subsection:—
- (3) On any such appeal the Land and Valuation Court shall have regard to the matters referred to in subsection three of section three of this Act.
- 5 (f) by omitting paragraph (b) of the proviso to section twelve; Sec. 12.
(Right of owner to require contiguous land to be resumed.)
- 10 (g) by omitting from subsection one of section thirteen the words “fourteen thousand pounds” and by inserting in lieu thereof the words “twenty thousand pounds.” Sec. 13.
(Retainer by owner of part of land resumed.)
- 15 (2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.
- (a) by omitting the proviso to section 147E and by inserting in lieu thereof the following proviso:— Sec. 147E.
(Valuation.)
- 20 Provided that any such valuation shall not exceed a valuation which in the opinion of the Commission would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.
- 25 (b) (i) by omitting from section 147G the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and the Commission reports”; Sec. 147G.
(Purchase of land.)
- 30 (ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following paragraph and words:—
- 35 “(d) in the opinion of the Commission the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at

War Service Land Settlement and Closer Settlement (Amendment).

at the time of such report nor
in excess of the fair market value
of the land, whichever is the lesser,

the Minister”;

- 5 (c) (i) by omitting from subsection one of section one hundred and ninety-seven the words (Exchanges, resumptions and purchases for public purposes.)
“for the purpose of disposal in pursuance
10 of the provisions of subsection one of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts” and by inserting in lieu thereof the words “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”;
- 15 (ii) by omitting from the same subsection the words “The price” and by inserting in lieu thereof the words “Except as hereinafter provided the price”;
- 20 (iii) by inserting in subsection two of the same section after the words “local land board” the words “or an advisory board”;
- 25 (iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—
- 30 (3) Where in pursuance of this section any land is acquired or proposed to be acquired 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, the following provisions shall apply:—
- 35 (a) where the acquisition is by way of purchase the price to be paid in respect

War Service Land Settlement and Closer Settlement (Amendment).

respect of such purchase shall not exceed the fair market value of the land as determined by an advisory board;

- 5 (b) where the acquisition is by way of resumption the compensation to be paid in respect of such resumption shall be—
- 10 (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- 15 (ii) where the owner has not so agreed—the fair market value of the land as determined by an advisory board or the Land and Valuation Court on appeal;
- 20 (c) the provisions of sections nine and ten of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, shall mutatis mutandis apply to and in respect of any resumption to which subparagraph (ii) of paragraph (b) of this subsection
- 25 applies.
- 30 (v) by omitting from subsection four of the same section the words “the proviso to”;
- (vi) by omitting paragraph (d) of subsection five of the same section;
- 35 (vii) by omitting paragraph (h) of the same subsection;
- (viii)

War Service Land Settlement and Closer Settlement (Amendment).

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

5 (7) In this section the expression “advisory board” means a Closer Settlement Advisory Board constituted under section two of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts.

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

(a) by omitting the proviso to section 9B and by inserting in lieu thereof the following proviso:— Sec. 9B. (Valuation.)

15 Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, 20 whichever is the lesser.

(b) (i) by omitting from section 9D the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”; Sec. 9D. (Purchase of land.)

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

30 “(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, 35 whichever is the lesser,

the Minister”;

(c)

War Service Land Settlement and Closer Settlement (Amendment).

- (c) by omitting the proviso to section 9r and by Sec. 9r.
 inserting in lieu thereof the following proviso:— (Valuation.)

5 Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

- 10 (d) (i) by omitting from subsection one of section Sec. 9k.
 9k the words "the Minister, on being satis- (Approval
 fied" and by inserting in lieu thereof the of advance.)
 words "and an advisory board reports";

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

 (d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser;

25 (iii) by inserting in the same subsection immediately before the words "may approve of an advance" the words "the Minister".

 (4) The amendments made by subsections one, two and three of this section shall not extend to nor affect
 30 the price or compensation payable for any land purchased or resumed before the commencement of this Act or any action, suit, proceeding, matter or thing pending or uncompleted at such commencement. The price or compensation payable for any land purchased or resumed
 35 before the commencement of this Act shall be the price or compensation which would have been payable had such amendments not been made, and any action, suit, proceeding, matter or thing pending or uncompleted at such commencement may be continued and completed as
 40 if such amendments had not been made.

War Service Land Settlement and Closer Settlement (Amendment).

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

Further amendment of Act No .38, 1943.

- 5 (a) (i) by omitting from paragraph (a) of subsection two of section seven the words “improvements thereon” and by inserting in lieu thereof the words “and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;
- 10 (ii) by inserting in the same paragraph after the word “structural” where secondly occurring the words “and other”;
- 15 (iii) by omitting the proviso to the same paragraph and by inserting in lieu thereof the following proviso:—
 Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.
- 20
- 25
- 30 (iv) by inserting in paragraph (d) of the same subsection after the word “structural” the words “and other”;
- 35 (b) (i) by omitting from paragraph (c) of subsection one of section 9F the words “improvements thereon” and by inserting in lieu thereof the words “and any other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

Sec. 7. (Setting apart.)

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

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting in the same paragraph after the word "structural" where secondly occurring the words "and other";
- 5 (iii) by omitting from the same paragraph the words "Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board" and
- 10 by inserting in lieu thereof the words "Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as
- 15 aforesaid may with the consent of the holder be added to by the Minister on the like recommendation".
- 20 (iv) by inserting in paragraph (d1) of the same subsection after the word "structural" the words "and other";
- 25 (c) by inserting in section 10A after the word "structural" the words "or other".
- Sec. 10A.
(Payment for improvements.)
- (2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—
- Amendment of Act No. 43, 1941.
- 30 (a) by inserting in paragraph (c) of subsection one of section 8D after the word "structural" the words "and other";
- Sec. 8D.
(Assistance period.)
- (b) by inserting in paragraph (e) of subsection two of the same section after the word "structural" the words "and other".

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subparagraphs (i) (ii) and (iv) of paragraphs (a) and (b) of subsection one of this section and subsection two of this section shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

Further amendment of Act No. 12, 1907.

10 (a) by omitting from paragraph (f) of subsection seven of section five the words "subsections three and four of this section" and by inserting in lieu thereof the words "subsections three, (3A), four and (4A) of this section";

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

15 (b) by inserting at the end of the same paragraph the words—

20 "In this paragraph the expression 'added value' in relation to land in a domestic and stock water supply and irrigation district (whether provisional or not) includes and shall be deemed always to have included any additional value which would accrue or is likely to accrue or has accrued to such land from the inclusion of such land in the district or from the attachment to such land of water rights or any other rights

25 under the provisions of the Water Act, 1912, as amended by subsequent Acts, or from the actual or prospective enjoyment of water rights or other such rights."

30 (2) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventh day of December, one thousand nine hundred and fifty-one.

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

Further amendment of Act No. 43, 1941.

35 (a) (i) by omitting from section 8B the words—

Sec. 8B. (Development of lands for war service land settlement.)

"Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling

are

War Service Land Settlement and Closer Settlement (Amendment).

5 are or is completed after disposal or vesting
of the land, as the case may be, the holder
shall become liable to the Crown for all pay-
ments in respect thereof, and in like manner,
as he would have been required by law to
make if such improvements or roads of
access or the preparation otherwise of the
farms, blocks or areas for settlement or the
erection of the dwelling had been completed
10 prior to disposal or vesting; but the first of
such payments shall not become due until
a date to be determined by the Minister
such date being not later than the date on
which the first payment would have become
15 due if the holder's title to the holding had
commenced on the day next succeeding the
day on which the improvements or the roads
of access, or the preparation otherwise of
the farms, blocks or areas for settlement, or
20 erection of the dwelling, as the case may be,
were completed. Any necessary adjustment
shall be made as to the capital value and
annual rent of the farm and of the nature
and value of any structural improvements
25 which are to be paid for by the holder."

(ii) by inserting at the end of the same section
the words—

30 " 'Otherwise preparing farms, blocks or
areas for settlement' in this section shall
include and shall be deemed always to have
included the carrying out of works for or in
connection with the supply of water whether
such works were carried out on the farms,
blocks or areas or not."

35 (b) by inserting in subsection five of section 8c after
the word "made" where lastly occurring the
words "or where the advance has been
transferred

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

War Service Land Settlement and Closer Settlement (Amendment).

transferred pursuant to subsection (2A) of this section by the person to whom the advance was so transferred”;

- 5 (c) by inserting next after section 8c the following New sec. 8cc
new section:—

10 8cc. (1) Where before or after the commence- Distribution of costs of improve- ments.
ment of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, moneys were or are expended by the Minister under section 8B of this Act or were or are advanced by the Minister under section 8c of this Act for the purpose of paying for or effecting improvements the Minister shall be deemed always to have had power and shall have power
15 in relation to—

(a) any farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof, and
20

(b) any farm within the same subdivided area as a farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof,
25

to re-determine and vary, at his absolute discretion, by way of increase or decrease, the capital value and annual rent of any such farm and the amount payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.
30

(2) Where the capital value or the annual rent of any farm referred to in subsection one of this section has been varied, whether before or after the commencement of the War Service Land
35

War Service Land Settlement and Closer Settlement (Amendment).

Land Settlement and Closer Settlement (Amendment) Act, 1955, the variation shall be deemed to have taken effect or shall take effect as from the date determined by the Minister.

5 (3) Where the amount payable by the
holder of a farm referred to in subsection one
of this section for structural or other improve-
ments has been varied whether before or after
10 the commencement of the War Service Land
Settlement and Closer Settlement (Amendment)
Act, 1955, the amount as so varied and interest
thereon at the rate of two and one-half per
centum per annum shall be deemed to have been
payable and shall be payable by such holder
15 in such manner, by such instalments and at such
times as the Minister either generally or in
any particular class of cases has directed.

20 (4) Where the amount payable by the
holder of a farm referred to in subsection one
of this section in respect of moneys advanced by
the Minister as aforesaid for the purpose of
paying for or effecting improvements upon such
land has been varied whether before or after
25 the commencement of the War Service Land
Settlement and Closer Settlement (Amendment)
Act, 1955, the amount as so varied and interest
thereon at the rate determined by the Minister
shall be deemed to have been payable and shall
be payable by such holder in such manner, by
30 such instalments and at such times, and to such
nominee of the Minister as the Minister either
generally or in any particular class of cases has
directed.

35 (5) The provisions of this Act, the
Closer Settlement Amendment (Conversion)
Act, 1943, as amended by subsequent
Acts, and any other Act, with respect
to forfeiture for default in the payment of the
92—B annual

War Service Land Settlement and Closer Settlement (Amendment)

annual rent of a holding, or of any amount payable by the holder of a holding for structural or other improvements, or in respect of moneys advanced by the Minister for the purpose of paying for or effecting improvements, shall apply, *mutatis mutandis*, to and in respect of the payment of the annual rent, named as referred to in subsection one of this section, of any farm referred to in that subsection, and to and in respect of any amount, so varied, payable by (the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid) the amount of such annual rent shall be deemed to have been determined by the Minister as aforesaid.

(6) For the purposes of this section a subdivided area means an area disposed of in two or more farms in accordance with section three of this Act, or under Part IVA of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, or under Division one of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, or in respect of which the Minister as aforesaid has issued a notice for the purpose of the consolidation of the lands.

(7) "Minister" in this section, in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1955.

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

6. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended by inserting at the end of subsection three of section three the following new paragraph:—

In the case of a discharged member of the forces who while a member of the forces was issued with a qualification certificate or made application for a qualification certificate—

Further amendment of Act No. 43, 1941. Sec. 3 (3). (Qualification certificates.)

War Service Land Settlement and Closer Settlement (Amendment).

5 qualification certificate and such application had not
been withdrawn or refused at the commencement of
the War Service Land Settlement and Closer
Settlement (Amendment) Act, 1955, a fresh appli-
cation by such discharged member of the forces for
a qualification certificate made, whether before
or after such commencement, more than five years
after the date the applicant ceased to be engaged
on war service and before the expiration of
10 six months after such commencement shall be
deemed to have been made within the time pre-
scribed by this section. Except as provided in this
paragraph it shall not be competent for any person,
other than a discharged member of the Korea and
15 Malaya Operations Forces as defined in subsection
three of section ten of this Act, to make application
for a qualification certificate under the foregoing
provisions of this subsection after the commencement
of the War Service Land Settlement and Closer
20 Settlement (Amendment) Act, 1955.

7. No purchase resumption or vesting of lands pur-
porting to have been made before the commencement of
this Act by the Minister or the Governor under the Closer
Settlement Acts or the Crown Lands Consolidation Act,
25 1913, as amended by subsequent Acts, and no action
subsequently taken whether before or after the com-
mencement of this Act in respect of such lands in
pursuance of such Acts or any other Acts, or otherwise,
shall be or shall be deemed to have been invalid by reason
30 only of the fact that the price or compensation paid in
respect of the purchase resumption or vesting of such
lands exceeded by more than fifteen per centum the
amount at which identical lands would have been valued
as at the tenth day of February, one thousand nine
35 hundred and forty-two, excepting the value of any
improvements effected on such lands since that date.

Validation
of certain
matters.

The first of these is the...

the second is the...

the third is the...

the fourth is the...

the fifth is the...

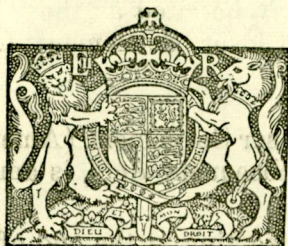
the sixth is the...

the seventh is the...

the eighth is the...

the ninth is the...

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 54, 1955.

An Act to make further provision in relation to the assessment or determination of the value of land to be acquired for the purposes of settlement; to extend the class of improvements on closer settlement leases to be paid for by an incoming tenant; to make provision for the distribution of costs of improvements effected on land acquired for settlement; 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; to validate certain matters; and for purposes connected therewith. [Assented to, 13th December, 1955.]

War Service Land Settlement and Closer Settlement (Amendment).

BE it enacted by the Queen'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, 1955."

Amendment of Act No. 12, 1907. **2.** (1) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended—

Sec. 3. (a) (i) by inserting at the end of paragraph (a) of subsection one of section three the words "and what land the board recommends to be so acquired";

(Report by board.)

(ii) by omitting paragraphs (b), (c) and (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(b) Where the owner has within the time specified by the board agreed in writing with the board as to the price or compensation to be paid in respect of any land which the board recommends to be acquired, the price or compensation agreed upon between the owner and the board; or where the owner has not so agreed, the board's assessment of the fair market value of such land.

(iii) by inserting in paragraph (e) of the same subsection after the words "the land" wherever occurring the words "which the board recommends to be acquired";

(iv) by omitting from subsection three of the same section the words "estimated value" where firstly occurring and by inserting in lieu thereof the words "fair market value";

(v)

War Service Land Settlement and Closer Settlement (Amendment).

- (v) by omitting from the same subsection the words "estimated value is to be made" and by inserting in lieu thereof the words "fair market value is to be assessed";
- (vi) by omitting from subsection four of the same section the words "estimated value" wherever occurring and by inserting in lieu thereof the words "fair market value";
- (b) (i) by inserting in subsection one of section four after the word "suitable" the words "and is recommended by such advisory board"; Sec. 4. (Power to purchase or resume land.)
- (ii) by omitting from subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board" and by inserting in lieu thereof the words "This subsection shall not apply in respect of any resumption where the owner has agreed in writing with an advisory board as to the compensation to be paid";
- (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—
- (4) (a) The price to be paid in respect of any such purchase shall be the price agreed upon in writing between the owner and an advisory board.
- (b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—
- (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- (ii)

War Service Land Settlement and Closer Settlement (Amendment).

(ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.

(iv) by omitting from subsection five of the same section the words “Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court” and by inserting in lieu thereof the words “Where the price or compensation agreed upon between the owner and an advisory board or the fair market value assessed by an advisory board or determined by the Land and Valuation Court”;

(v) by omitting from the same subsection the words “such price or value” and by inserting in lieu thereof the words “such price or compensation or value”;

Sec. 5.

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

(c) (i) by omitting paragraph (e) of subsection seven of section five and by inserting in lieu thereof the following paragraph:—

(e) The compensation to be paid on any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—

(i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.
- (ii) by omitting from paragraph (f) of the same subsection the words “Provided further that where any such purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the following provisions shall apply:—
- (i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;
- (ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph shall not exceed the

value

War Service Land Settlement and Closer Settlement (Amendment).

value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date.

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."

Sec. 8.
(Restrictions on right of resumption.)

(d) by omitting paragraph (b) of subsection one of section eight;

Sec. 9.
(Appeal to Land and Valuation Court.)

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

(1) Where any land is resumed under this Act any owner of such land who has not agreed in writing with an advisory board as to the compensation to be paid in respect of such resumption and who is dissatisfied with the fair market value of the land as assessed by an advisory board may appeal to the Land and Valuation Court against such assessment in accordance with rules of court of that Court.

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

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

(3) On any such appeal the Land and Valuation Court shall have regard to the matters referred to in subsection three of section three of this Act.

(f) by omitting paragraph (b) of the proviso to section twelve;

Sec. 12.
(Right of owner to require contiguous land to be resumed.)

(g) by omitting from subsection one of section thirteen the words “fourteen thousand pounds” and by inserting in lieu thereof the words “twenty thousand pounds or in any case where the Minister on the recommendation of an advisory board fixes a greater amount than twenty thousand pounds, such greater amount”.

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

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

Amendment of Act No. 7, 1913.

(a) by omitting the proviso to section 147E and by inserting in lieu thereof the following proviso:—

Sec. 147E.
(Valuation.)

Provided that any such valuation shall not exceed a valuation which in the opinion of the Commission would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

(b) (i) by omitting from section 147G the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and the Commission reports”;

Sec. 147G.
(Purchase of land.)

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

“(d) in the opinion of the Commission the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at

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at the time of such report nor in excess of the fair market value of the land, whichever is the lesser,

the Minister”;

Sec. 197.

(Exchanges, resumptions and purchases for public purposes.)

(c) (i) by omitting from subsection one of section one hundred and ninety-seven the words “for the purpose of disposal in pursuance of the provisions of subsection one of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts” and by inserting in lieu thereof the words “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”;

(ii) by omitting from the same subsection the words “The price” and by inserting in lieu thereof the words “Except as hereinafter provided the price”;

(iii) by inserting in subsection two of the same section after the words “local land board” the words “or an advisory board”;

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

(3) Where in pursuance of this section any land is acquired or proposed to be acquired 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, the following provisions shall apply:—

(a) where the acquisition is by way of purchase the price to be paid in respect

War Service Land Settlement and Closer Settlement (Amendment)

- respect of such purchase shall not exceed the fair market value of the land as determined by an advisory board;
- (b) where the acquisition is by way of resumption the compensation to be paid in respect of such resumption shall be—
- (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- (ii) where the owner has not so agreed—the fair market value of the land as determined by an advisory board or the Land and Valuation Court on appeal;
- (e) the provisions of sections nine and ten of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, shall mutatis mutandis apply to and in respect of any resumption to which subparagraph (ii) of paragraph (b) of this subsection applies.
- (v) by omitting from subsection four of the same section the words “the proviso to”;
- (vi) by omitting paragraph (d) of subsection five of the same section;
- (vii) by omitting paragraph (h) of the same subsection;

(viii)

War Service Land Settlement and Closer Settlement (Amendment).

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

(7) In this section the expression “advisory board” means a Closer Settlement Advisory Board constituted under section two of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts.

Amendment
of
Act No. 38,
1943.

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

Sec. 9B.
(Valuation.)

(a) by omitting the proviso to section 9B and by inserting in lieu thereof the following proviso:—

Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

Sec. 9D.
(Purchase
of land.)

(b) (i) by omitting from section 9D the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”;

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

“(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser,

the Minister”;

(c)

War Service Land Settlement and Closer Settlement (Amendment).

- (c) by omitting the proviso to section 9r and by inserting in lieu thereof the following proviso:—

Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

- (d) (i) by omitting from subsection one of section 9k the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”;
- (ii) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser;

- (iii) by inserting in the same subsection immediately before the words “may approve of an advance” the words “the Minister”.

(4) The amendments made by subsections one, two and three of this section shall not extend to nor affect the price or compensation payable for any land purchased or resumed before the commencement of this Act or any action, suit, proceeding, matter or thing pending or uncompleted at such commencement in respect of any resumption effected before such commencement. The price or compensation payable for any land purchased or resumed before the commencement of this Act shall be the price or compensation which would have been payable had such amendments not been made, and any action, suit, proceeding, matter or thing pending or uncompleted at such commencement in respect of any resumption effected before such commencement may be continued and completed as if such amendments had not been made.

War Service Land Settlement and Closer Settlement (Amendment).

Further amendment of Act No. 38, 1943.

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

Sec. 7.
(Setting apart.)

(a) (i) by omitting from paragraph (a) of subsection two of section seven the words “improvements thereon” and by inserting in lieu thereof the words “and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

(ii) by inserting in the same paragraph after the word “structural” where secondly occurring the words “and other”;

(iii) by omitting the proviso to the same paragraph and by inserting in lieu thereof the following proviso:—

Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

(iv) by inserting in paragraph (d) of the same subsection after the word “structural” the words “and other”;

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

(b) (i) by omitting from paragraph (c) of subsection one of section 9F the words “improvements thereon” and by inserting in lieu thereof the words “and any other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting in the same paragraph after the word "structural" where secondly occurring the words "and other";
- (iii) by omitting from the same paragraph the words "Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board" and by inserting in lieu thereof the words "Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation".
- (iv) by inserting in paragraph (d1) of the same subsection after the word "structural" the words "and other";
- (c) by inserting in section 10A after the word "structural" the words "or other".
- (2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—
- (a) by inserting in paragraph (c) of subsection one of section 8D after the word "structural" the words "and other";
- (b) by inserting in paragraph (e) of subsection two of the same section after the word "structural" the words "and other".

Sec. 10A.
(Payment
for
improve-
ments.)

Amendment
of
Act No. 43,
1941.

Sec. 8D.
(Assistance
period.)

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subparagraphs (i) (ii) and (iv) of paragraphs (a) and (b) of subsection one of this section and subsection two of this section shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

Further amendment of Act No. 12, 1907.

Sec. 5.

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

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

- (a) by omitting from paragraph (f) of subsection seven of section five the words “subsections three and four of this section” and by inserting in lieu thereof the words “subsections three, (3A), four and (4A) of this section”;
- (b) by inserting at the end of the same paragraph the words—

“In this paragraph the expression ‘added value’ in relation to land in a domestic and stock water supply and irrigation district (whether provisional or not) includes and shall be deemed always to have included any additional value which would accrue or is likely to accrue or has accrued to such land from the inclusion of such land in the district or from the attachment to such land of water rights or any other rights under the provisions of the Water Act, 1912, as amended by subsequent Acts, or from the actual or prospective enjoyment of water rights or other such rights.”

(2) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventh day of December, one thousand nine hundred and fifty-one.

Further amendment of Act No. 43, 1941.

Sec. 8B.

(Development of lands for war service land settlement.)

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

- (a) (i) by omitting from section 8B the words—

“Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling
are

War Service Land Settlement and Closer Settlement (Amendment).

are or is completed after disposal or vesting of the land, as the case may be, the holder shall become liable to the Crown for all payments in respect thereof, and in like manner, as he would have been required by law to make if such improvements or roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling had been completed prior to disposal or vesting; but the first of such payments shall not become due until a date to be determined by the Minister such date being not later than the date on which the first payment would have become due if the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or the roads of access, or the preparation otherwise of the farms, blocks or areas for settlement, or erection of the dwelling, as the case may be, were completed. Any necessary adjustment shall be made as to the capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the holder."

- (ii) by inserting at the end of the same section the words—

“ ‘Otherwise preparing farms, blocks or areas for settlement’ in this section shall include and shall be deemed always to have included the carrying out of works for or in connection with the supply of water whether such works were carried out on the farms, blocks or areas or not.”

- (b) by inserting in subsection five of section 8c after the word “made” where lastly occurring the words “or where the advance has been transferred
- Sec. 8c.
(Advances and other assistance to settlers under this Act.)

War Service Land Settlement and Closer Settlement (Amendment).

transferred pursuant to subsection (2A) of this section by the person to whom the advance was so transferred”;

New sec.
8cc.

(c) by inserting next after section 8c the following new section:—

Distribution
of costs of
improvements.

8cc. (1) Where before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, moneys were or are expended by the Minister under section 8B of this Act or were or are advanced by the Minister under section 8c of this Act for the purpose of paying for or effecting improvements the Minister shall be deemed always to have had power and shall have power in relation to—

(a) any farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof, and

(b) any farm within the same subdivided area as a farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof,

to re-determine and vary, at his absolute discretion, by way of increase or decrease, the capital value and annual rent of any such farm and the amount payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

(2) Where the capital value or the annual rent of any farm referred to in subsection one of this section has been varied, whether before or after the commencement of the War Service Land

War Service Land Settlement and Closer Settlement (Amendment)

Land Settlement and Closer Settlement (Amendment) Act, 1955, the variation shall be deemed to have taken effect or shall take effect as from the date determined by the Minister.

(3) Where the amount payable by the holder of a farm referred to in subsection one of this section for structural or other improvements has been varied whether before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, the amount as so varied and interest thereon at the rate of two and one-half per centum per annum shall be deemed to have been payable and shall be payable by such holder in such manner, by such instalments and at such times as the Minister either generally or in any particular class of cases has directed.

(4) Where the amount payable by the holder of a farm referred to in subsection one of this section in respect of moneys advanced by the Minister as aforesaid for the purpose of paying for or effecting improvements upon such land has been varied whether before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, the amount as so varied and interest thereon at the rate determined by the Minister shall be deemed to have been payable and shall be payable by such holder in such manner, by such instalments and at such times, and to such nominee of the Minister as the Minister either generally or in any particular class of cases has directed.

(5) The provisions of this Act, the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, and any other Act, with respect to forfeiture for default in the payment of the

War Service Land Settlement and Closer Settlement (Amendment).

annual rent of a holding or of any amount payable by the holder of a holding for structural or other improvements or in respect of moneys advanced by the Minister for the purpose of paying for or effecting improvements, shall apply, mutatis mutandis, to and in respect of the payment of the annual rent, varied as referred to in subsection one of this section, of any farm referred to in that subsection, and to and in respect of any amount, so varied, payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

(6) For the purposes of this section "subdivided area" means an area disposed of in two or more farms in accordance with section three of this Act, or under Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, or under Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

(7) "Minister" in this section in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1955.

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

6. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended by inserting at the end of subsection three of section three the following new paragraph:—

In the case of a discharged member of the forces who while a member of the forces was issued with a qualification certificate or made application for a qualification

Further
amendment
of
Act No. 43,
1941.

Sec. 3 (3).
(Qualifica-
tion
certificates.)

War Service Land Settlement and Closer Settlement (Amendment).

qualification certificate and such application had not been withdrawn or refused at the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, a fresh application by such discharged member of the forces for a qualification certificate made, whether before or after such commencement, more than five years after the date the applicant ceased to be engaged on war service and before the expiration of six months after such commencement shall be deemed to have been made within the time prescribed by this section. Except as provided in this paragraph it shall not be competent for any person, other than a discharged member of the Korea and Malaya Operations Forces as defined in subsection three of section ten of this Act, to make application for a qualification certificate under the foregoing provisions of this subsection after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955.

7. No purchase resumption or vesting of lands pur-
 reporting to have been made before the commencement of
 this Act by the Minister or the Governor under the Closer
 Settlement Acts or the Crown Lands Consolidation Act,
 1913, as amended by subsequent Acts, and no action
 subsequently taken whether before or after the com-
 mencement of this Act in respect of such lands in
 pursuance of such Acts or any other Acts, or otherwise,
 shall be or shall be deemed to have been invalid by reason
 only of the fact that the price or compensation paid in
 respect of the purchase resumption or vesting of such
 lands exceeded by more than fifteen per centum the
 amount at which identical lands would have been valued
 as at the tenth day of February, one thousand nine
 hundred and forty-two, excepting the value of any
 improvements effected on such lands since that date.

Validation
 of certain
 matters.

By Authority:

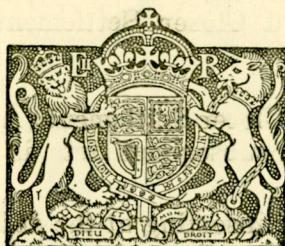
A. H. PETTIFER, Government Printer, Sydney, 1956.

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, 24 November, 1955.*

New South Wales



ANNO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 54, 1955.

An Act to make further provision in relation to the assessment or determination of the value of land to be acquired for the purposes of settlement; to extend the class of improvements on closer settlement leases to be paid for by an incoming tenant; to make provision for the distribution of costs of improvements effected on land acquired for settlement; 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; to validate certain matters; and for purposes connected therewith. [Assented to, 13th December, 1955.]

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 Queen'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, 1955."

Amendment of Act No. 12, 1907. **2.** (1) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended—

Sec. 3.
(Report by board.)

(a) (i) by inserting at the end of paragraph (a) of subsection one of section three the words "and what land the board recommends to be so acquired";

(ii) by omitting paragraphs (b), (c) and (d) of the same subsection and by inserting in lieu thereof the following paragraph:—

(b) Where the owner has within the time specified by the board agreed in writing with the board as to the price or compensation to be paid in respect of any land which the board recommends to be acquired, the price or compensation agreed upon between the owner and the board; or where the owner has not so agreed, the board's assessment of the fair market value of such land.

(iii) by inserting in paragraph (e) of the same subsection after the words "the land" wherever occurring the words "which the board recommends to be acquired";

(iv) by omitting from subsection three of the same section the words "estimated value" where firstly occurring and by inserting in lieu thereof the words "fair market value";

(v)

War Service Land Settlement and Closer Settlement (Amendment).

- (v) by omitting from the same subsection the words "estimated value is to be made" and by inserting in lieu thereof the words "fair market value is to be assessed";
- (vi) by omitting from subsection four of the same section the words "estimated value" wherever occurring and by inserting in lieu thereof the words "fair market value";
- (b) (i) by inserting in subsection one of section four Sec. 4. after the word "suitable" the words "and (Power to purchase or resume land.) is recommended by such advisory board";
- (ii) by omitting from subsection three of the same section the words "This subsection shall not apply in respect of any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board" and by inserting in lieu thereof the words "This subsection shall not apply in respect of any resumption where the owner has agreed in writing with an advisory board as to the compensation to be paid";
- (iii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection:—
- (4) (a) The price to be paid in respect of any such purchase shall be the price agreed upon in writing between the owner and an advisory board.
- (b) The compensation to be paid in respect of any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—
- (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the the amount so agreed upon;
- (ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.
- (iv) by omitting from subsection five of the same section the words “Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court” and by inserting in lieu thereof the words “Where the price or compensation agreed upon between the owner and an advisory board or the fair market value assessed by an advisory board or determined by the Land and Valuation Court”;
- (v) by omitting from the same subsection the words “such price or value” and by inserting in lieu thereof the words “such price or compensation or value”;
- Sec. 5.
(Lands within fifteen miles of proposed railway and lands to which added value accrues by reason of public works.)
- (c) (i) by omitting paragraph (e) of subsection seven of section five and by inserting in lieu thereof the following paragraph:—
- (e) The compensation to be paid on any such resumption shall, unless an agreement is entered into under section eleven of this Act, be—
- (i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;
- (ii)

War Service Land Settlement and Closer Settlement (Amendment).

(ii) where the owner has not so agreed—the fair market value of the land as assessed by an advisory board, or where an appeal has been made in terms of section nine of this Act, the fair market value of the land as determined by the Land and Valuation Court.

(ii) by omitting from paragraph (f) of the same subsection the words “Provided further that where any such purchase or resumption is made for the purposes of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the following provisions shall apply:—

(i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;

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

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value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date.

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."

Sec. 8.
(Restrictions on right of resumption.)

(d) by omitting paragraph (b) of subsection one of section eight;

Sec. 9.
(Appeal to Land and Valuation Court.)

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

(1) Where any land is resumed under this Act any owner of such land who has not agreed in writing with an advisory board as to the compensation to be paid in respect of such resumption and who is dissatisfied with the fair market value of the land as assessed by an advisory board may appeal to the Land and Valuation Court against such assessment in accordance with rules of court of that Court.

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting at the end of the same section the following new subsection:—
- (3) On any such appeal the Land and Valuation Court shall have regard to the matters referred to in subsection three of section three of this Act.
- (f) by omitting paragraph (b) of the proviso to section twelve; Sec. 12.
(Right of owner to require contiguous land to be resumed.)
- (g) by omitting from subsection one of section thirteen the words “fourteen thousand pounds” and by inserting in lieu thereof the words “twenty thousand pounds or in any case where the Minister on the recommendation of an advisory board fixes a greater amount than twenty thousand pounds, such greater amount”. Sec. 13.
(Retainer by owner of part of land resumed.)
- (2) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended— Amendment of Act No. 7, 1913.
- (a) by omitting the proviso to section 147E and by inserting in lieu thereof the following proviso:— Sec. 147E.
(Valuation.)
- Provided that any such valuation shall not exceed a valuation which in the opinion of the Commission would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.
- (b) (i) by omitting from section 147G the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and the Commission reports”; Sec. 147G.
(Purchase of land.)
- (ii) by omitting paragraph (d) of the same section and by inserting in lieu thereof the following paragraph and words:—
- “(d) in the opinion of the Commission the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation
- at

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at the time of such report nor in excess of the fair market value of the land, whichever is the lesser,

the Minister”;

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

- (c) (i) by omitting from subsection one of section one hundred and ninety-seven the words “for the purpose of disposal in pursuance of the provisions of subsection one of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts” and by inserting in lieu thereof the words “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”;
- (ii) by omitting from the same subsection the words “The price” and by inserting in lieu thereof the words “Except as hereinafter provided the price”;
- (iii) by inserting in subsection two of the same section after the words “local land board” the words “or an advisory board”;
- (iv) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Where in pursuance of this section any land is acquired or proposed to be acquired 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, the following provisions shall apply:—

- (a) where the acquisition is by way of purchase the price to be paid in respect

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respect of such purchase shall not exceed the fair market value of the land as determined by an advisory board;

(b) where the acquisition is by way of resumption the compensation to be paid in respect of such resumption shall be—

(i) where the owner has within the time specified by an advisory board agreed in writing with the advisory board as to the compensation to be paid—the amount so agreed upon;

(ii) where the owner has not so agreed—the fair market value of the land as determined by an advisory board or the Land and Valuation Court on appeal;

(c) the provisions of sections nine and ten of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, shall mutatis mutandis apply to and in respect of any resumption to which subparagraph (ii) of paragraph (b) of this subsection applies.

(v) by omitting from subsection four of the same section the words “the proviso to”;

(vi) by omitting paragraph (d) of subsection five of the same section;

(vii) by omitting paragraph (h) of the same subsection;

(viii)

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

(7) In this section the expression “advisory board” means a Closer Settlement Advisory Board constituted under section two of the Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts.

Amendment
of
Act No. 38,
1943.

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

Sec. 9B.
(Valuation.)

(a) by omitting the proviso to section 9B and by inserting in lieu thereof the following proviso:—

Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

Sec. 9D.
(Purchase
of land.)

(b) (i) by omitting from section 9D the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”;

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

“(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser,

the Minister”;

(c)

War Service Land Settlement and Closer Settlement (Amendment).

- (c) by omitting the proviso to section 9i and by ^{Sec. 9i.} inserting in lieu thereof the following proviso:— (Valuation.)

Provided that any such valuation shall not exceed a valuation which in the opinion of such board would permit a competent settler to succeed under the war service land settlement scheme in operation at the time of such valuation nor exceed the fair market value of the land, whichever is the lesser.

- (d) (i) by omitting from subsection one of section ^{Sec. 9k.} 9k the words “the Minister, on being satisfied” and by inserting in lieu thereof the words “and an advisory board reports”; ^(Approval of advance.)

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

(d) that in the opinion of the board the price is not in excess of a price at which a competent settler could succeed under the war service land settlement scheme in operation at the time of such report nor in excess of the fair market value of the land, whichever is the lesser;

- (iii) by inserting in the same subsection immediately before the words “may approve of an advance” the words “the Minister”.

(4) The amendments made by subsections one, two and three of this section shall not extend to nor affect the price or compensation payable for any land purchased or resumed before the commencement of this Act or any action, suit, proceeding, matter or thing pending or uncompleted at such commencement in respect of any resumption effected before such commencement. The price or compensation payable for any land purchased or resumed before the commencement of this Act shall be the price or compensation which would have been payable had such amendments not been made, and any action, suit, proceeding, matter or thing pending or uncompleted at such commencement in respect of any resumption effected before such commencement may be continued and completed as if such amendments had not been made.

War Service Land Settlement and Closer Settlement (Amendment).

Further
amendment
of
Act No. 38,
1943.

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

Sec. 7.
(Setting
apart.)

(a) (i) by omitting from paragraph (a) of subsection two of section seven the words “improvements thereon” and by inserting in lieu thereof the words “and other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

(ii) by inserting in the same paragraph after the word “structural” where secondly occurring the words “and other”;

(iii) by omitting the proviso to the same paragraph and by inserting in lieu thereof the following proviso:—

Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation.

(iv) by inserting in paragraph (d) of the same subsection after the word “structural” the words “and other”;

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

(b) (i) by omitting from paragraph (c) of subsection one of section 9f the words “improvements thereon” and by inserting in lieu thereof the words “and any other improvements which the Minister on the recommendation of an advisory board determines should be paid for by an incoming tenant”;

(ii)

War Service Land Settlement and Closer Settlement (Amendment).

- (ii) by inserting in the same paragraph after the word "structural" where secondly occurring the words "and other";
- (iii) by omitting from the same paragraph the words "Provided that any such condition or restriction may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be modified by the Minister upon the recommendation of an advisory board" and by inserting in lieu thereof the words "Provided that any such conditions or restrictions may upon application made as prescribed by regulations made under the Closer Settlement Acts and for sufficient cause be varied modified or revoked by the Minister upon the recommendation of an advisory board, or without application as aforesaid may with the consent of the holder be added to by the Minister on the like recommendation".
- (iv) by inserting in paragraph (d1) of the same subsection after the word "structural" the words "and other";
- (c) by inserting in section 10A after the word "structural" the words "or other".
- (2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended—
- (a) by inserting in paragraph (c) of subsection one of section 8D after the word "structural" the words "and other";
- (b) by inserting in paragraph (e) of subsection two of the same section after the word "structural" the words "and other".

Sec. 10A.
(Payment
for
improve-
ments.)

Amendment
of
Act No. 43,
1941.

Sec. 8D.
(Assistance
period.)

(3)

War Service Land Settlement and Closer Settlement (Amendment).

(3) Subparagraphs (i) (ii) and (iv) of paragraphs (a) and (b) of subsection one of this section and subsection two of this section shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

Further amendment of Act No. 12, 1907.

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

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

(a) by omitting from paragraph (f) of subsection seven of section five the words “subsections three and four of this section” and by inserting in lieu thereof the words “subsections three, (3A), four and (4A) of this section”;

(b) by inserting at the end of the same paragraph the words—

“In this paragraph the expression ‘added value’ in relation to land in a domestic and stock water supply and irrigation district (whether provisional or not) includes and shall be deemed always to have included any additional value which would accrue or is likely to accrue or has accrued to such land from the inclusion of such land in the district or from the attachment to such land of water rights or any other rights under the provisions of the Water Act, 1912, as amended by subsequent Acts, or from the actual or prospective enjoyment of water rights or other such rights.”

(2) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the seventh day of December, one thousand nine hundred and fifty-one.

Further amendment of Act No. 43, 1941.

Sec. 8B.
(Development of lands for war service land settlement.)

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

(a) (i) by omitting from section 8B the words—

“Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling

are

War Service Land Settlement and Closer Settlement (Amendment).

are or is completed after disposal or vesting of the land, as the case may be, the holder shall become liable to the Crown for all payments in respect thereof, and in like manner, as he would have been required by law to make if such improvements or roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling had been completed prior to disposal or vesting; but the first of such payments shall not become due until a date to be determined by the Minister such date being not later than the date on which the first payment would have become due if the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or the roads of access, or the preparation otherwise of the farms, blocks or areas for settlement, or erection of the dwelling, as the case may be, were completed. Any necessary adjustment shall be made as to the capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the holder."

- (ii) by inserting at the end of the same section the words—

“ ‘Otherwise preparing farms, blocks or areas for settlement’ in this section shall include and shall be deemed always to have included the carrying out of works for or in connection with the supply of water whether such works were carried out on the farms, blocks or areas or not.”

- (b) by inserting in subsection five of section 8c after the word “made” where lastly occurring the words “or where the advance has been transferred
- Sec. 8c.
(Advances
and other
assistance to
settlers
under this
Act.)

War Service Land Settlement and Closer Settlement (Amendment).

transferred pursuant to subsection (2A) of this section by the person to whom the advance was so transferred”;

New sec.
8cc.

(c) by inserting next after section 8c the following new section:—

Distribution
of costs of
improve-
ments.

8cc. (1) Where before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, moneys were or are expended by the Minister under section 8B of this Act or were or are advanced by the Minister under section 8c of this Act for the purpose of paying for or effecting improvements the Minister shall be deemed always to have had power and shall have power in relation to—

- (a) any farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof, and
- (b) any farm within the same subdivided area as a farm in respect of which such moneys or any part thereof was or is expended or in respect of which any such advance was or is made to the holder thereof,

to re-determine and vary, at his absolute discretion, by way of increase or decrease, the capital value and annual rent of any such farm and the amount payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

(2) Where the capital value or the annual rent of any farm referred to in subsection one of this section has been varied, whether before or after the commencement of the War Service Land

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Land Settlement and Closer Settlement (Amendment) Act, 1955, the variation shall be deemed to have taken effect or shall take effect as from the date determined by the Minister.

(3) Where the amount payable by the holder of a farm referred to in subsection one of this section for structural or other improvements has been varied whether before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, the amount as so varied and interest thereon at the rate of two and one-half per centum per annum shall be deemed to have been payable and shall be payable by such holder in such manner, by such instalments and at such times as the Minister either generally or in any particular class of cases has directed.

(4) Where the amount payable by the holder of a farm referred to in subsection one of this section in respect of moneys advanced by the Minister as aforesaid for the purpose of paying for or effecting improvements upon such land has been varied whether before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, the amount as so varied and interest thereon at the rate determined by the Minister shall be deemed to have been payable and shall be payable by such holder in such manner, by such instalments and at such times, and to such nominee of the Minister as the Minister either generally or in any particular class of cases has directed.

(5) The provisions of this Act, the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, and any other Act, with respect to forfeiture for default in the payment of the
annual

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annual rent of a holding or of any amount payable by the holder of a holding for structural or other improvements or in respect of moneys advanced by the Minister for the purpose of paying for or effecting improvements, shall apply, mutatis mutandis, to and in respect of the payment of the annual rent, varied as referred to in subsection one of this section, of any farm referred to in that subsection, and to and in respect of any amount, so varied, payable by the holder of any such farm for structural or other improvements or in respect of moneys advanced by the Minister as aforesaid.

(6) For the purposes of this section "subdivided area" means an area disposed of in two or more farms in accordance with section three of this Act, or under Part IV_A of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, or under Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

(7) "Minister" in this section in the case of lands within an Irrigation Area shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1955.

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

Further
amendment
of
Act No. 43,
1941.

Sec. 3 (3).
(Qualifica-
tion
certificates.)

6. The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended by inserting at the end of subsection three of section three the following new paragraph:—

In the case of a discharged member of the forces who while a member of the forces was issued with a qualification certificate or made application for a qualification

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qualification certificate and such application had not been withdrawn or refused at the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955, a fresh application by such discharged member of the forces for a qualification certificate made, whether before or after such commencement, more than five years after the date the applicant ceased to be engaged on war service and before the expiration of six months after such commencement shall be deemed to have been made within the time prescribed by this section. Except as provided in this paragraph it shall not be competent for any person, other than a discharged member of the Korea and Malaya Operations Forces as defined in subsection three of section ten of this Act, to make application for a qualification certificate under the foregoing provisions of this subsection after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1955.

7. No purchase resumption or vesting of lands pur- Validation
porting to have been made before the commencement of of certain
this Act by the Minister or the Governor under the Closer matters.
Settlement Acts or the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and no action subsequently taken whether before or after the commencement of this Act in respect of such lands in pursuance of such Acts or any other Acts, or otherwise, shall be or shall be deemed to have been invalid by reason only of the fact that the price or compensation paid in respect of the purchase resumption or vesting of such lands exceeded by more than fifteen per centum the amount at which identical lands would have been valued as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such lands since that date.

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

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 13th December, 1955.*

Journal of the Proceedings of the

General Assembly of the
Presbyterian Church of the
United States of America
in Session at New York
from the 1st to the 10th
of October 1870

Published by the
Board of Christian Education
of the Presbyterian Church
of the United States
New York

1871

Entered as Second-Class Matter
October 3rd 1879
Post Office at New York
New York
Acceptance for mailing at
Special Rate of Postage
provided for in Section
1103 Act of October 3rd
1879
Authorized by Act of
October 3rd 1879

Printed and Published by
The Board of Christian Education
of the Presbyterian Church
of the United States
New York