

**CLOSER SETTLEMENT (MISCELLANEOUS REPEALS
AND AMENDMENTS) BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Public Reserves Management Fund Bill 1987.

The objects of this Bill are—

- (a) to repeal the Closer Settlement and Public Reserves Fund Act 1970;
- (b) to re-enact certain provisions of that Act, relating to expenditure and receipts connected with closer settlement, in the Closer Settlement Act 1904, but so as to provide that the expenditure and receipts are brought to account through the Consolidated Fund; and
- (c) to amend certain other Acts and repeal certain other enactments,

as a consequence of the enactment of the proposed Public Reserves Management Fund Act 1987.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act shall commence on the date of assent to the proposed Act.

Clause 3 is a formal provision giving effect to Schedule 1 (Repeals).

Clause 4 is a formal provision giving effect to Schedule 2 (Amendment of the Closer Settlement Act 1904).

Clause 5 is a formal provision giving effect to Schedule 3 (Amendments to certain Acts).

Clause 6 is a formal provision giving effect to Schedule 4 (Savings and transitional provisions).

Schedule 1 repeals the Closer Settlement and Public Reserves Fund Act 1970 and certain enactments which have amended that Act.

Closer Settlement (Miscellaneous Repeals and Amendments) 1987

Schedule 2 inserts into the Closer Settlement Act 1904 proposed Part IIA (Expenditure brought to account through Consolidated Fund) which contains the following proposed sections:

Section 19A (Payments into Consolidated Fund) lists certain payments which are to be made into the Consolidated Fund. In general, the payments are associated with improvements on and acquisition or disposal of land pursuant to the provisions of closer settlement and returned soldier settlement legislation.

Section 19B (Payments out of Consolidated Fund) lists certain costs which may be met out of such money (if any) as may be appropriated from the Consolidated Fund for the purpose. In general, the costs are associated with the acquisition and development of land under closer settlement legislation.

Section 19C (Delegation) provides for the delegation by the Minister of any of the Minister's functions under proposed Part IIA.

Schedule 3 (Amendments to certain Acts) sets out amendments to certain Acts consequent upon the proposed repeal of the Closer Settlement and Public Reserves Fund Act 1970 and the enactment of the proposed Public Reserves Management Fund Act 1987.

Schedule 4 (Savings and transitional provisions) contains savings and transitional provisions consequent upon the proposed repeal of the Closer Settlement and Public Reserves Fund Act 1970 and the enactment of the proposed Public Reserves Management Fund Act 1987.

CLOSER SETTLEMENT (MISCELLANEOUS REPEALS AND AMENDMENTS) BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

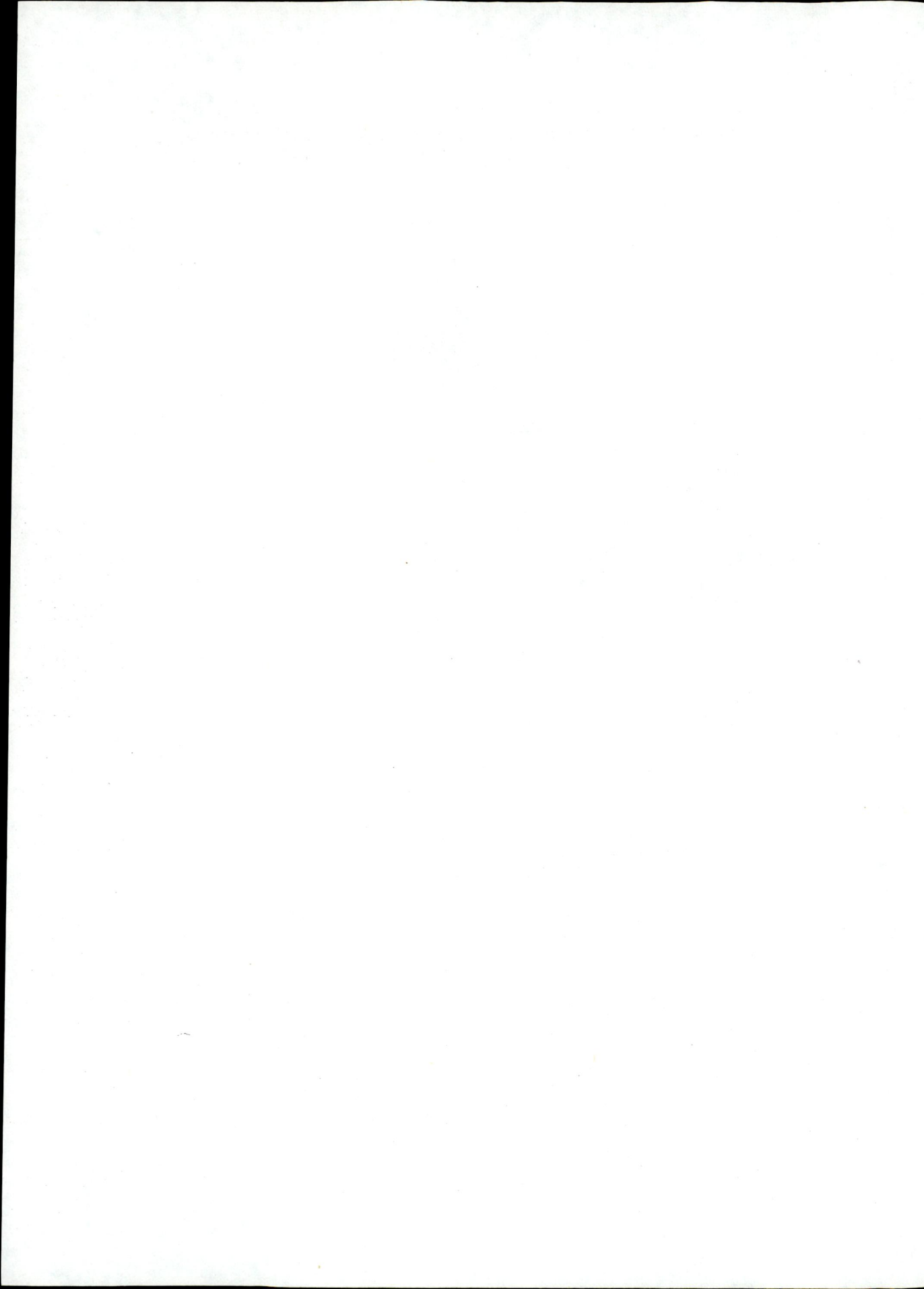
1. Short title
2. Commencement
3. Repeals
4. Amendment of Act No. 37, 1904
5. Amendments to certain Acts
6. Savings and transitional provisions

SCHEDULE 1—REPEALS

SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT 1904

SCHEDULE 3—AMENDMENTS TO CERTAIN ACTS

SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS



**CLOSER SETTLEMENT (MISCELLANEOUS REPEALS
AND AMENDMENTS) BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to repeal the Closer Settlement and Public Reserves Fund Act 1970 and certain other enactments and to amend the Closer Settlement Act 1904 and certain other Acts as a consequence of the enactment of the Public Reserves Management Fund Act 1987; and for other purposes.

Closer Settlement (Miscellaneous Repeals and Amendments) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Closer Settlement (Miscellaneous Repeals and Amendments) Act 1987.

5 Commencement

2. This Act shall commence on the date of assent to this Act.

Repeals

3. Each Act specified in Schedule 1 is, to the extent indicated in that Schedule, repealed.

10 Amendment of Act No. 37, 1904

4. The Closer Settlement Act 1904 is amended as set out in Schedule 2.

Amendments to certain Acts

5. Each Act specified in Schedule 3 is amended as set out in that Schedule.

15 Savings and transitional provisions

6. Schedule 4 has effect.

SCHEDULE 1—REPEALS

(Sec. 3)

- 20 Closer Settlement and Public Reserves Fund Act 1970 No. 26—the whole Act
 Land Aggregation Tax Management Act 1971 No. 18—so much of Part II of the Schedule as amends Act No. 26, 1970
 Zoological Parks Board Act 1973 No. 34—so much of Schedule 2 as amends Act No. 26, 1970
 25 Crown Lands and Other Acts (Reserves) Amendment Act 1974 No. 37—section 12
 Crown Lands and Other Acts (Amendment) Act 1975 No. 70—sections 4 (3), 12
 Closer Settlement (Amendment) Act 1980 No. 5—section 16, Schedule 15
 Miscellaneous Acts (Crown Land Titles) Amendment Act 1980 No. 196—so much of Schedule 1 as amends Act No. 26, 1970
 30 Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983 No. 153—so much of Schedule 1 as repeals part of Act No. 26, 1970

SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT 1904

(Sec. 4)

Part IIA—

- 35 After Part II, insert:

SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT
1904—*continued*

**PART IIA—EXPENDITURE BROUGHT TO ACCOUNT
THROUGH CONSOLIDATED FUND**

Payments into Consolidated Fund

- 5 19A. (1) There shall be paid into the Consolidated Fund—
- (a) all money received towards payment—
- 10 (i) of purchase money, rent and interest in respect of sales, purchases, leases and occupancies under the Closer Settlement Acts;
- (ii) for improvements on lands disposed of under the Closer Settlement Acts, including interest, if any; and
- (iii) of purchase money and any interest in respect of soldiers' group purchases under the Returned Soldiers Settlement Act 1916;
- 15 (b) all money received towards repayment of advances made in connection with the Returned Soldiers Settlement Act 1916;
- 20 (c) any amount paid, at any time, under the provisions of section 31 of this Act, section 129B (1) (k) or section 272 of the Crown Lands Consolidation Act 1913 or section 10 of the Returned Soldiers Settlement Act 1916 as a prior requirement to the issue of a certificate that the restrictions on transfer imposed by those Acts shall not apply to certain land (being, in each case, an amount determined according to the unimproved value of the land);
- 25 (d) all money directed by the Minister to be paid into the Consolidated Fund out of compensation paid pursuant to a condition imposed under section 39A of this Act or under section 136L of the Crown Lands Consolidation Act 1913 (other than a condition subject to which an easement was created over land comprising the whole or part of a public reserve, as defined in the Public Reserves Management Fund Act 1987); and
- 30 (e) all repayments of the cost of premiums for fire insurance of improvements on land purchased or acquired, or in the course of being purchased or acquired, or otherwise available for disposal under the Closer Settlement Acts (whether or not the land has been or is disposed of).
- 35
- 40 (2) The cost of fire insurance premiums paid out of the Consolidated Fund shall, on demand, be repaid by the holder of the land concerned.

*Closer Settlement (Miscellaneous Repeals and Amendments) 1987***SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT
1904—continued**

(3) The cost of any premiums not repaid on demand may be recovered as a Crown debt in any court of competent jurisdiction.

Payments out of Consolidated Fund

5 19B. The following costs may be met out of such money (if any) as may be appropriated from the Consolidated Fund by Parliament for the purpose:

- (a) the cost of the purchase or acquisition of land for the purposes of the Closer Settlement Acts;
- 10 (b) the cost of subdivision, maintenance, development and improvement of, and all works in connection with, land available for disposal or disposed of under the Closer Settlement Acts;
- 15 (c) the cost of premiums for the fire insurance of improvements on land purchased or acquired, or in the course of being purchased or acquired, or otherwise available for disposal under the Closer Settlement Acts (whether or not the land has been or is disposed of).

Delegation

20 19C. The Minister may delegate to any person any of the Minister's functions under this Part, other than this power of delegation.

SCHEDULE 3—AMENDMENTS TO CERTAIN ACTS

(Sec. 5)

Closer Settlement (Amendment) Act 1914 No. 7—

- 25 (1) Sections 3 (3), 3B—
Omit "Closer Settlement and Public Reserves Fund" wherever occurring, insert instead "Consolidated Fund".
- (2) Section 3A—
- 30 (a) Omit "Closer Settlement and Public Reserves Fund, or if the amount at credit of the Closer Settlement and Public Reserves Fund at any time is insufficient, upon the Consolidated Revenue Fund," insert instead "Consolidated Fund".
 - (b) Omit "Closer Settlement and Public Reserves Fund or the Consolidated Revenue Fund" wherever occurring, insert instead "Consolidated Fund".

35 Conveyancing Act 1919 No. 6—

Section 195D (5)—

Omit "the Closer Settlement and Public Reserves Fund or".

Crown Lands Consolidation Act 1913 No. 7—

Section 37GG (2)—

*Closer Settlement (Miscellaneous Repeals and Amendments) 1987*SCHEDULE 3—AMENDMENTS TO CERTAIN ACTS—*continued*

Omit “Closer Settlement and Public Reserves Fund”, insert instead “Public Reserves Management Fund”.

Land Aggregation Tax Management Act 1971 No. 18—

Section 42 (1)—

- 5 Omit “Special Deposits Account in the Treasury, called the Closer Settlement and Public Reserves Fund, established under the Closer Settlement and Public Reserves Fund Act, 1970”, insert instead “Consolidated Fund”.

Real Property Act 1900 No. 25—

(1) Section 123A—

- 10 Omit “Closer Settlement Fund or out of the Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

(2) Sections 125 (6), (7), 126 (5), 129, 131–134—

Omit “assurance fund” wherever occurring, insert instead “Consolidated Fund”.

- 15 (3) Section 125 (6)—

(a) Omit “as trustee of such fund”.

(b) After “action”, insert “on behalf of the Crown”.

SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 6)

20 Definitions

1. In this Schedule—

“Closer Settlement Fund” means the Fund established by the Closer Settlement and Public Reserves Fund Act 1970;

- 25 “Public Reserves Management Fund” means the Fund established by the Public Reserves Management Fund Act 1987.

Payments into Closer Settlement and Public Reserves Fund deemed payments into Public Reserves Management Fund

- 30 2. (1) All money to the credit of the Closer Settlement and Public Reserves Fund immediately before the date of assent to this Act which would have been required to be paid into the Public Reserves Management Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was paid into the Closer Settlement and Public Reserves Fund, shall be deemed, on and from 1 July 1987, to have been paid into, and form part of, the Public Reserves Management Fund.

- 35 (2) All money which, between 1 July 1987 and the date of assent to this Act, has been paid into or out of the Closer Settlement and Public Reserves Fund, and which would have been paid into or out of the Public Reserves Management Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was so paid, shall be deemed to have been so paid into or out of the Public Reserves Management Fund.

40 Transfer of payments into Consolidated Fund

3. (1) All money to the credit of the Closer Settlement and Public Reserves Fund immediately before the date of assent to this Act which would not have been required

Closer Settlement (Miscellaneous Repeals and Amendments) 1987

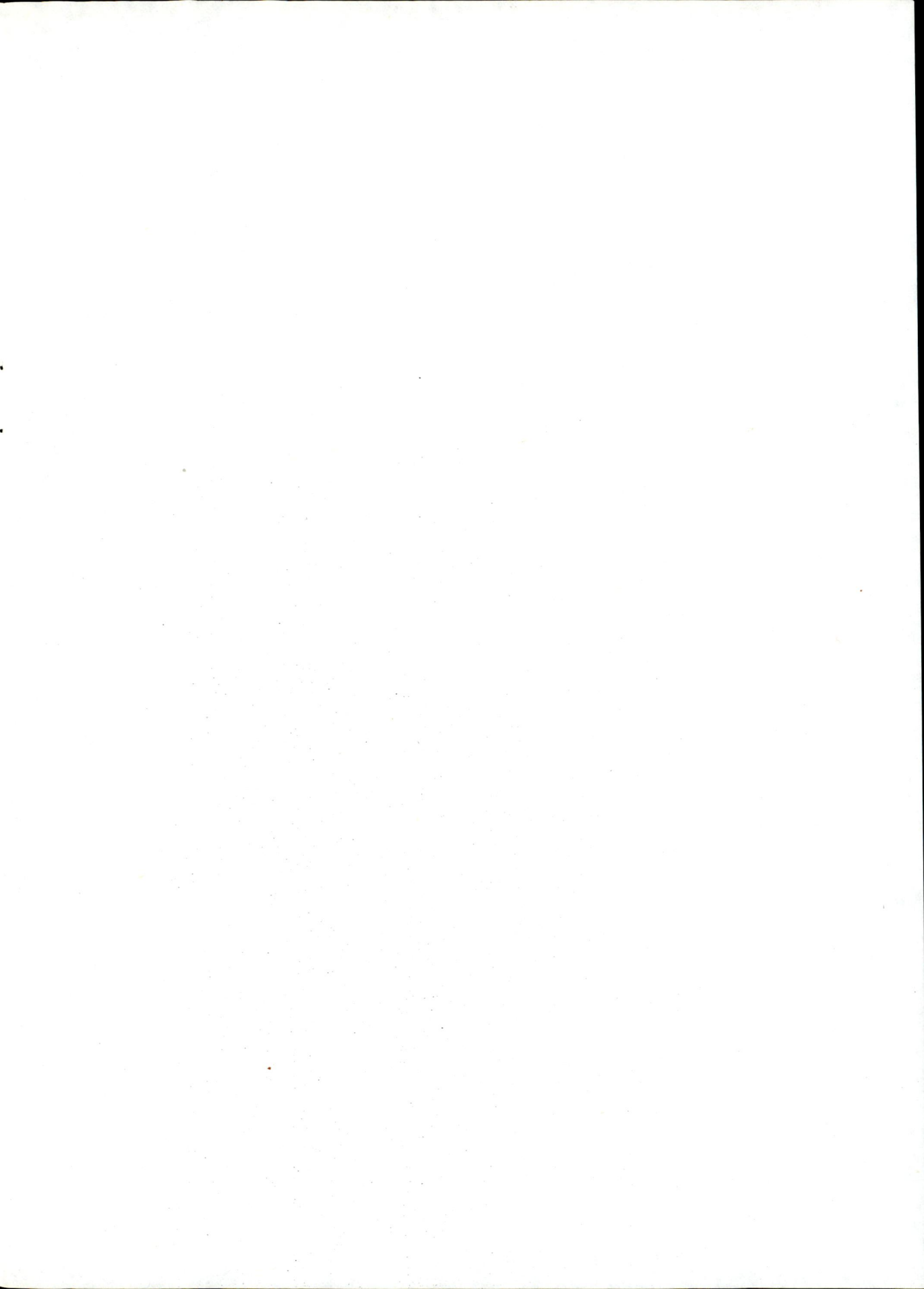
SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

to be paid into the Public Reserves Management Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was paid into the Closer Settlement and Public Reserves Fund, shall be deemed, on and from 1 July 1987, to have been paid into, and form part of, the Consolidated Fund.

- 5 (2) All money which, between 1 July 1987 and the date of assent to this Act, has been paid into or out of the Closer Settlement and Public Reserves Fund, and which would have been paid into or out of the Consolidated Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was so paid, shall be deemed to have been so paid into or out of the Consolidated Fund.

10 Debentures issued under Closer Settlement (Amendment) Act 1914

4. A debenture issued pursuant to section 3A of the Closer Settlement (Amendment) Act 1914 but not paid out before the date of assent to this Act shall be deemed to have been issued under section 3A of that Act, as amended by this Act.





**CLOSER SETTLEMENT (MISCELLANEOUS REPEALS
AND AMENDMENTS) ACT 1987 No. 180**

NEW SOUTH WALES



TABLE OF PROVISIONS

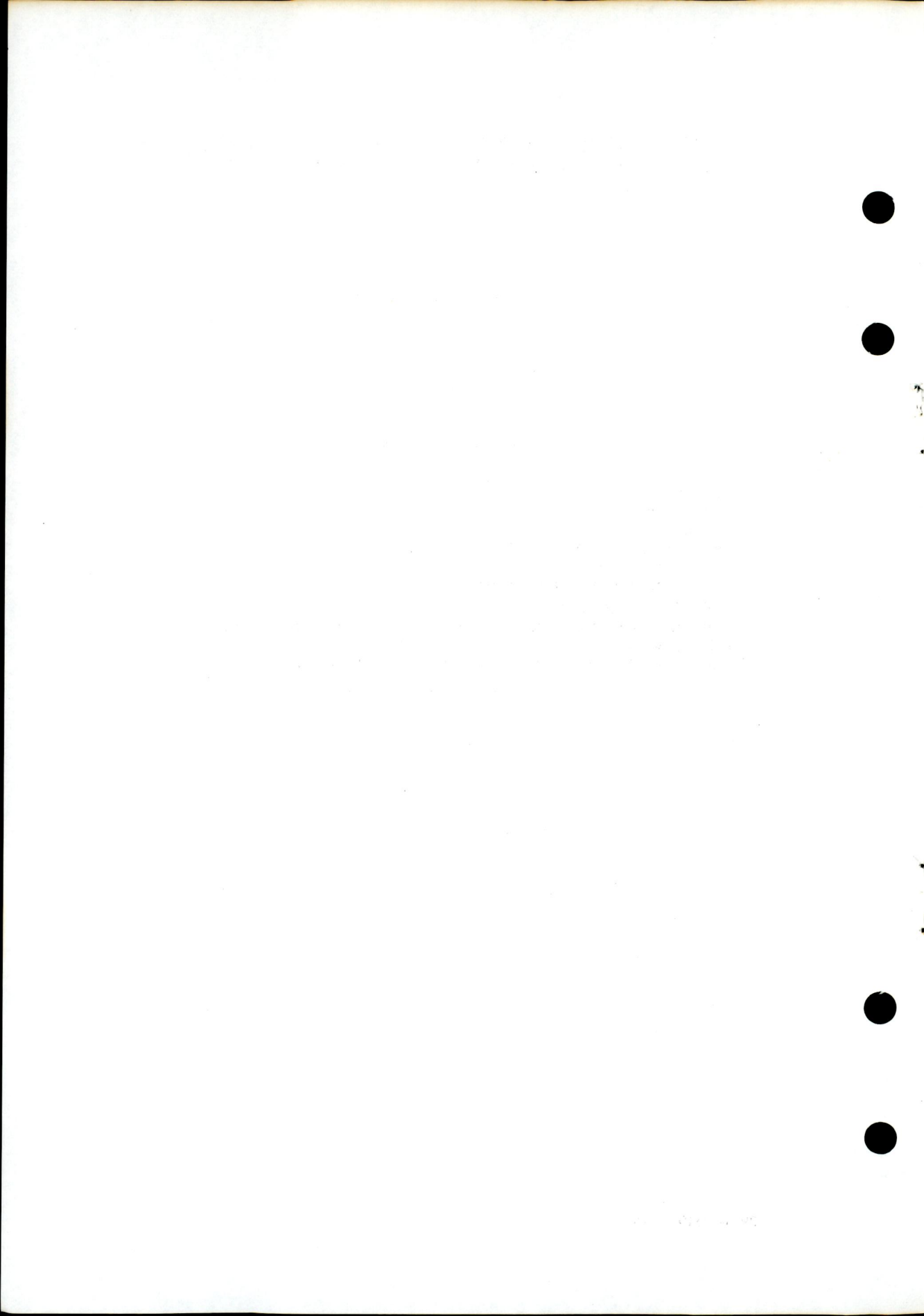
1. Short title
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SCHEDULE 1—REPEALS

SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT 1904

SCHEDULE 3—AMENDMENTS TO CERTAIN ACTS

SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS



**CLOSER SETTLEMENT (MISCELLANEOUS REPEALS AND
AMENDMENTS) ACT 1987 No. 180**

NEW SOUTH WALES



Act No. 180, 1987

An Act to repeal the Closer Settlement and Public Reserves Fund Act 1970 and certain other enactments and to amend the Closer Settlement Act 1904 and certain other Acts as a consequence of the enactment of the Public Reserves Management Fund Act 1987; and for other purposes. [Assented to 4 December 1987]

Closer Settlement (Miscellaneous Repeals and Amendments) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Closer Settlement (Miscellaneous Repeals and Amendments) Act 1987.

Commencement

2. This Act shall commence on the date of assent to this Act.

Repeals

3. Each Act specified in Schedule 1 is, to the extent indicated in that Schedule, repealed.

Amendment of Act No. 37, 1904

4. The Closer Settlement Act 1904 is amended as set out in Schedule 2.

Amendments to certain Acts

5. Each Act specified in Schedule 3 is amended as set out in that Schedule.

Savings and transitional provisions

6. Schedule 4 has effect.

SCHEDULE 1—REPEALS

(Sec. 3)

Closer Settlement and Public Reserves Fund Act 1970 No. 26—the whole Act
Land Aggregation Tax Management Act 1971 No. 18—so much of Part II of the Schedule
as amends Act No. 26, 1970

Zoological Parks Board Act 1973 No. 34—so much of Schedule 2 as amends Act No.
26, 1970

Crown Lands and Other Acts (Reserves) Amendment Act 1974 No. 37—section 12

Crown Lands and Other Acts (Amendment) Act 1975 No. 70—sections 4 (3), 12

Closer Settlement (Amendment) Act 1980 No. 5—section 16, Schedule 15

Miscellaneous Acts (Crown Land Titles) Amendment Act 1980 No. 196—so much of
Schedule 1 as amends Act No. 26, 1970

Miscellaneous Acts (Public Finance and Audit) Repeal and Amendment Act 1983 No.
153—so much of Schedule 1 as repeals part of Act No. 26, 1970

**SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT
ACT 1904**

(Sec. 4)

Part IIA—

After Part II, insert:

**SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT
1904—continued****PART IIA—EXPENDITURE BROUGHT TO ACCOUNT
THROUGH CONSOLIDATED FUND****Payments into Consolidated Fund**

19A. (1) There shall be paid into the Consolidated Fund—

- (a) all money received towards payment—
 - (i) of purchase money, rent and interest in respect of sales, purchases, leases and occupancies under the Closer Settlement Acts;
 - (ii) for improvements on lands disposed of under the Closer Settlement Acts, including interest, if any; and
 - (iii) of purchase money and any interest in respect of soldiers' group purchases under the Returned Soldiers Settlement Act 1916;
- (b) all money received towards repayment of advances made in connection with the Returned Soldiers Settlement Act 1916;
- (c) any amount paid, at any time, under the provisions of section 31 of this Act, section 129B (1) (k) or section 272 of the Crown Lands Consolidation Act 1913 or section 10 of the Returned Soldiers Settlement Act 1916 as a prior requirement to the issue of a certificate that the restrictions on transfer imposed by those Acts shall not apply to certain land (being, in each case, an amount determined according to the unimproved value of the land);
- (d) all money directed by the Minister to be paid into the Consolidated Fund out of compensation paid pursuant to a condition imposed under section 39A of this Act or under section 136L of the Crown Lands Consolidation Act 1913 (other than a condition subject to which an easement was created over land comprising the whole or part of a public reserve, as defined in the Public Reserves Management Fund Act 1987); and
- (e) all repayments of the cost of premiums for fire insurance of improvements on land purchased or acquired, or in the course of being purchased or acquired, or otherwise available for disposal under the Closer Settlement Acts (whether or not the land has been or is disposed of).

(2) The cost of fire insurance premiums paid out of the Consolidated Fund shall, on demand, be repaid by the holder of the land concerned.

*Closer Settlement (Miscellaneous Repeals and Amendments) 1987***SCHEDULE 2—AMENDMENT OF THE CLOSER SETTLEMENT ACT
1904—continued**

(3) The cost of any premiums not repaid on demand may be recovered as a Crown debt in any court of competent jurisdiction.

Payments out of Consolidated Fund

19B. The following costs may be met out of such money (if any) as may be appropriated from the Consolidated Fund by Parliament for the purpose:

- (a) the cost of the purchase or acquisition of land for the purposes of the Closer Settlement Acts;
- (b) the cost of subdivision, maintenance, development and improvement of, and all works in connection with, land available for disposal or disposed of under the Closer Settlement Acts;
- (c) the cost of premiums for the fire insurance of improvements on land purchased or acquired, or in the course of being purchased or acquired, or otherwise available for disposal under the Closer Settlement Acts (whether or not the land has been or is disposed of).

Delegation

19C. The Minister may delegate to any person any of the Minister's functions under this Part, other than this power of delegation.

SCHEDULE 3—AMENDMENTS TO CERTAIN ACTS

(Sec. 5)

Closer Settlement (Amendment) Act 1914 No. 7—

- (1) Sections 3 (3), 3B—

Omit "Closer Settlement and Public Reserves Fund" wherever occurring, insert instead "Consolidated Fund".

- (2) Section 3A—

- (a) Omit "Closer Settlement and Public Reserves Fund, or if the amount at credit of the Closer Settlement and Public Reserves Fund at any time is insufficient, upon the Consolidated Revenue Fund," insert instead "Consolidated Fund".
- (b) Omit "Closer Settlement and Public Reserves Fund or the Consolidated Revenue Fund" wherever occurring, insert instead "Consolidated Fund".

Conveyancing Act 1919 No. 6—

Section 195D (5)—

Omit "the Closer Settlement and Public Reserves Fund or".

Crown Lands Consolidation Act 1913 No. 7—

Section 37GG (2)—

*Closer Settlement (Miscellaneous Repeals and Amendments) 1987***SCHEDULE 3—AMENDMENTS TO CERTAIN ACTS—*continued***

Omit “Closer Settlement and Public Reserves Fund”, insert instead “Public Reserves Management Fund”.

Land Aggregation Tax Management Act 1971 No. 18—

Section 42 (1)—

Omit “Special Deposits Account in the Treasury, called the Closer Settlement and Public Reserves Fund, established under the Closer Settlement and Public Reserves Fund Act, 1970”, insert instead “Consolidated Fund”.

Real Property Act 1900 No. 25—

(1) Section 123A—

Omit “Closer Settlement Fund or out of the Consolidated Revenue Fund”, insert instead “Consolidated Fund”.

(2) Sections 125 (6), (7), 126 (5), 129, 131–134—

Omit “assurance fund” wherever occurring, insert instead “Consolidated Fund”.

(3) Section 125 (6)—

(a) Omit “as trustee of such fund”.

(b) After “action”, insert “on behalf of the Crown”.

SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS

(Sec. 6)

Definitions

1. In this Schedule—

“Closer Settlement Fund” means the Fund established by the Closer Settlement and Public Reserves Fund Act 1970;

“Public Reserves Management Fund” means the Fund established by the Public Reserves Management Fund Act 1987.

Payments into Closer Settlement and Public Reserves Fund deemed payments into Public Reserves Management Fund

2. (1) All money to the credit of the Closer Settlement and Public Reserves Fund immediately before the date of assent to this Act which would have been required to be paid into the Public Reserves Management Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was paid into the Closer Settlement and Public Reserves Fund, shall be deemed, on and from 1 July 1987, to have been paid into, and form part of, the Public Reserves Management Fund.

(2) All money which, between 1 July 1987 and the date of assent to this Act, has been paid into or out of the Closer Settlement and Public Reserves Fund, and which would have been paid into or out of the Public Reserves Management Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was so paid, shall be deemed to have been so paid into or out of the Public Reserves Management Fund.

Closer Settlement (Miscellaneous Repeals and Amendments) 1987

SCHEDULE 4—SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

Transfer of payments into Consolidated Fund

3. (1) All money to the credit of the Closer Settlement and Public Reserves Fund immediately before the date of assent to this Act which would not have been required to be paid into the Public Reserves Management Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was paid into the Closer Settlement and Public Reserves Fund, shall be deemed, on and from 1 July 1987, to have been paid into, and form part of, the Consolidated Fund.

(2) All money which, between 1 July 1987 and the date of assent to this Act, has been paid into or out of the Closer Settlement and Public Reserves Fund, and which would have been paid into or out of the Consolidated Fund if the Public Reserves Management Fund Act 1987 had been in force when the money was so paid, shall be deemed to have been so paid into or out of the Consolidated Fund.

Debentures issued under Closer Settlement (Amendment) Act 1914

4. A debenture issued pursuant to section 3A of the Closer Settlement (Amendment) Act 1914 but not paid out before the date of assent to this Act shall be deemed to have been issued under section 3A of that Act, as amended by this Act.