

CLOSER SETTLEMENT (AMENDMENT) BILL.

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*SCHEDULE showing the Legislative Assembly's Amendments upon the Legislative Council's Amendments, referred to in Message of 12th December, 1907, A.M.*

RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.

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- Page 2, clause 3, line 24. *Omit "only part of the estate being acquired," insert "the board recommending the acquisition of part only of any property"*
- Page 3, clause 5, lines 17 and 18. *Omit "in areas each" insert "the property of "one owner and"*
- Page 4, clause 8, line 17, paragraph (a). *Before "The" insert "Unless otherwise "agreed between the Minister and the owner"*
- Page 4, clause 8, line 17. *After "block" insert "or in areas separated only "from each other by lands not owned by the person owning the area "resumed"*
- Page 6, clause ~~15~~ 17, line 37. *Omit "or the resumption, as the case may be,"*
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## CLOSER SETTLEMENT (AMENDMENT) BILL.

### *SCHEDULE of the Amendments referred to in Message of 5th December, 1907.*

- Page 2, clause 3. *After* paragraph (c) *insert* new paragraph (d).
- Page 3, clause 4, line 7. *After* "by" *insert* "**resolutions of both Houses of**"
- Page 3, clause 4. At end of clause *add* new subclause (3).
- Page 3, clause 5, line 17. *Omit* "and" *insert* "**being in areas each**"
- Page 3, clause 5, lines 22 to 25. *Omit* paragraph (a).
- Page 3, clause 5, line 26. *After* "land" *omit* "or" *insert* "**and**"
- Page 3, clause 5, line 30. *Omit* "inside or"
- Page 3, clause 5, lines 31 and 32. *Omit* "provided that, in the case of a purchase, the price does not exceed that recommended by the advisory board"
- Page 3, clause 5. At end of clause *add* "**or forming a part of such residue which by the resumption may be so severed from the rest of the area not resumed as, in the opinion of the advisory board, to render it unworkable with such area.**"
- Page 4. *After* clause 5 *insert* new clause 6.
- Page 4. *After* clause 6. **7.** *insert* new clause 8.
- Page 4, clause 7. **9.** line 32. *Before* "value" *insert* "**fair market**"
- Page 5, clause 10. *Omit* clause 10, *insert* new clause 12.
- Page 5, clause ~~11~~ **13**, line 28. *After* "land" *insert* "**proposed to be**"
- Page 5, clause ~~11~~ **13**, line 31. *After* "residue" *insert* "**if any**"
- Page 5, clause ~~11~~ **13**, line 37. *Omit* "notification of the resumption" *insert* "**proclamation notifying that the Governor proposes to acquire the land for the purposes of closer settlement**"
- Page 6, clause ~~11~~ **13**, subsection (3). *Omit* subsection (3).
- Page 6, clause ~~15~~ **17**, lines 26 to 32. *Omit* first proviso *insert* new proviso.





*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.*

*Legislative Assembly Chamber,  
Sydney, 22 November, 1907, A.M. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Legislative Council Chamber,  
Sydney, 5th December, 1907. }*

*JOHN J. CALVERT,  
Clerk of the Parliaments.*

## New South Wales.



ANNO SEPTIMO

EDWARDI VII REGIS.

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Act No. , 1907.

An Act to amend the Closer Settlement Act, 1904, and the Closer Settlement (Amendment) Act, 1906; and for other purposes.

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

5

### *Preliminary.*

1. This Act may be cited as the "Closer Settlement (Amendment) Act, 1907," and shall be construed with the Closer Settlement Act, 1904 (hereinafter referred to as the Principal Act), and the Closer Settlement (Amendment) Act, 1906.

10484

143—A

*Advisory*

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.



*Closer Settlement (Amendment).*

*Advisory boards.*

2. The Governor may, for the purposes of this Act, constitute three boards to be called Closer Settlement Advisory Boards, and may dissolve and reconstitute any such board. Any such board is herein-  
5 after in this Act referred to as an "Advisory Board."

Each such board shall consist of three members to be appointed by the Governor. One of such members shall be so appointed chairman of the board.

In case of the absence or illness of a member of any such board, 10 the Governor may appoint a deputy, who, during such absence or illness, shall have the power of a member of such board.

3. (1) Every such board shall, at the request of the Minister and within such time or extended time as he may appoint, report to him as follows:—

- 15 (a) Whether any, and if so what, land (not being, in the opinion of the board, of a value less than ten thousand pounds, exclusive of the value of the improvements thereon) within an area to be specified by the Minister is suitable to be acquired for closer settlement.
- 20 (b) The estimated value of such land and of the improvements thereon respectively.
- (c) The price at which the board recommends the acquisition of the land, and the method of arriving at such price.
- 25 (d) In the event of only part of the estate being acquired, the value of the residue, and whether it will be depreciated in value by such acquisition, and, if so, by what amount.
- (d e) The use to which the land may be put, and the capacity of the land for carrying stock, or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating, and 30 such other particulars as the Minister requires.
- (e f) On any matter as to which the Minister requires a report.

(2) For the above purposes the board, or any member of the board, or any person authorised in writing by the chairman of the 35 board, may, on giving the prescribed notice to the owner, enter any land and inspect the same, and any improvements thereon.

*Purchase and resumption of land.*

4. (1) Where an advisory board reports that any land is suitable to be acquired for closer settlement, the Governor may,—  
40 (a) subject to this Act, purchase it by agreement with the owner; or, failing such agreement,

(b)



*Closer Settlement (Amendment).*

(b) where the value of the land, without the improvements thereon, as estimated by the advisory board, exceeds twenty thousand pounds, resume it under this Act: Provided that this limitation of value shall not apply to land referred to in the next following section.

(2) Every purchase or resumption shall be subject to approval by resolutions of both Houses of Parliament.

Approval by  
Parliament.

(3) Before resuming any land, the Governor shall, by proclamation in the Gazette, notify that he proposes to acquire such land for the purposes of closer settlement.

5. (1) Where, after the sixth day of November, one thousand nine hundred and seven, an Act has been passed sanctioning the construction of a line of railway, the Governor may, within six months after the passing of such Act, by proclamation in the Gazette, notify that he proposes to acquire for the purposes of closer settlement the land therein specified, being land situate within fifteen miles on either side of the line of the proposed railway, and being in areas each exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon.

Where land is  
within ~~ten~~ fifteen  
miles of a proposed  
railway line.

(2) On such proclamation, the following provisions shall apply to any purchase or resumption of such land:—

(a) No disposition of such land shall operate to defeat the power of the Governor to resume the same under this Act. Such restriction shall cease to have effect after the expiration of three months from the next meeting of Parliament.

(b a) The Governor may purchase or resume such land, or and any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate inside or outside the said distance from the line of railway: Provided that in the case of a purchase the price does not exceed that recommended by the advisory board.

(e b) The advisory board, or the court determining the value of any such land, shall, in estimating or determining such value, exclude any added value which would accrue to the land from the construction of the line of railway.

(d c) Where the land is resumed, the owner may require the Governor to include in the resumption any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate inside or outside the said distance from the line of railway, or forming a part of such residue which by the resumption may be so severed from the rest of the area not resumed as, in the opinion of the advisory board, to render it unworkable with such area.



*Closer Settlement (Amendment).*

6. Where the Governor, by proclamation under either of the two last preceding sections, notifies that he proposes to acquire any land for the purposes of closer settlement, no disposition of such land shall operate to defeat the power of the Governor to resume the same under this Act. Such restriction shall cease after the expiration of twelve months from the date of such proclamation.

Restriction of  
disposition.

6. 7. The resumption of land under this Act shall be effected by notification in the Gazette.

Resumption under  
this Act.

On such notification being made, the land shall, subject to the right of retainer hereinafter provided, vest in His Majesty for the purposes of the Principal Act, the Closer Settlement (Amendment) Act, 1906, and this Act, and be dealt with thereunder.

8. (1) Where under this Act or the Principal Act a resumption is made of part only of land which before such resumption formed and was owned and worked as one property, the following provisions shall apply:—

Restrictions on right  
of resumption.

- (a) The land resumed shall be in one continuous block.
- (b) The advisory board, or the court determining the value of such land, shall have regard not only to the value of the land resumed, but also to the damage (if any) caused by the severing of the land resumed from such of the residue as does not include land retained by the owner in pursuance of this Act, or land agreed to be sold, or which was leased with an option to purchase.

(2) For the purposes of this section, a block may be continuous although some parts thereof are separated from other parts by roads, rivers, or watercourses.

9. If the owner or mortgagee is dissatisfied with the amount at which the Governor has offered to purchase the land and improvements, or where no such offer has been made, the valuation of the same by the advisory board, he may apply to have the fair market value of the land and improvements determined by a court as hereinafter provided by lodging with the Minister a notice of appeal in the prescribed form, within twenty-eight days after the notification of the resumption, or within such further time as may be allowed by the Minister, or as may, on application in a summary way, be allowed by a Supreme Court judge.

Application to have  
amount determined  
by a court.

10. The matter of such appeal shall be heard and determined by a court constituted as provided in section eighteen of the Principal Act, and the decision of the judge and of one of the assessors of such court shall be the determination of the Court, and shall be final.

Constitution of  
court.

11. The Governor may, notwithstanding the resumption of any land and any proceedings consequent thereon, at any time agree with the owner as to the price to be paid for the land: Provided that the conditions and restrictions of this Act shall apply to such agreement as if the same were a purchase under this Act.

Agreement after  
resumption.



*Closer Settlement (Amendment).*

10. Where land has been resumed under this Act otherwise than in pursuance of section five, such owner may, within four weeks after the notification of such resumption, require the Governor to include in the resumption any land forming the residue of the same property and worked with it. Thereupon the Governor shall so include such residue:

Right of owner to require contiguous land to be resumed.

Provided that the Governor shall not be compelled under this section to resume any such residue where it exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon, nor any land subject to lease or sublease with or without any option to purchase or any agreement for sale, occupation, or lease made by or with the owner or mortgagee.

12. Where the Governor has by proclamation (not being a proclamation under section five) notified that he proposes to acquire any land for the purposes of closer settlement, the owner of such land may, within four weeks after the date of such proclamation, require the Governor to include in any resumption to be made in pursuance of such proclamation any land forming the residue of the same property, and worked with it; and the Governor shall in any such resumption include such residue:

Right of owner to require contiguous land to be resumed.

Provided that the Governor shall not be compelled to resume—  
(a) any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the resumption has more than five years to run; or  
(b) any land forming such residue, where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon.

13. (1) The owner of any land proposed to be resumed under this Act may retain out of such land a part thereof, but so that the value of such part, together with the value of the land forming the residue, if any, of the same property, and worked with it, shall not exceed ten thousand pounds; such value in each case being exclusive of the value of any improvements on the land. Where more than one person is the owner of such land, only one such right may be exercised.

Retainer by owner of part of land resumed.

Such right shall be deemed to be waived unless the owner asserts the same in the prescribed manner within four weeks after the notification of the resumption. Governor proposes to acquire the land for the purposes of closer settlement, specifying the area, situation, boundaries, and value (without improvements) of the land which he proposes to retain.

(2) The area, situation, and boundaries of the land to be so retained shall be determined by the Minister on the recommendation of an advisory board. But if the owner is dissatisfied with such determination he may, within one week after service on him of notice of such determination, waive the exercise of his right of retainer by notice served on the Minister.



*Closer Settlement (Amendment).*

(3) Land retained by the owner under this section shall be excepted from the resumption, and the notification of resumption may be amended accordingly, or the Governor may, in his discretion, by notification in the Gazette, cancel such resumption.

5 12. 14. After notification of resumption under this Act, the owner may, with the consent of the Minister, retain the whole or any part of his estate for such period and upon such conditions as may be agreed upon. Retainer by agreement with Minister.

10 13. 15. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Principal Act relating to the acquisition of land under that Act, and proceedings in relation thereto shall apply to a similar acquisition and proceedings relating thereto under this Act. Incorporation of sections of Principal Act.

15 14. 16. The foregoing provisions of this Act relating to the purchase and resumption of land and the determination and payment of the value of the same, and matters consequent thereon, are in addition to and not in substitution for any other provisions in the Principal Act, or the Closer Settlement (Amendment) Act, 1906. Savings.

*Amendment of Principal Act.*

20 15. 17. Subsection four of section sixteen of the Principal Act is repealed, and the following is substituted in its place:— Amendment of section 16 of Principal Act.

(4) The owner of any land referred to the closer settlement board shall have the right to require the Governor to include in such reference any land forming the residue of the same property and  
25 worked with it:

Provided that the Governor shall not be compelled under this subsection to refer to the said board or to resume any such residue where it exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon, nor any land which, at the date of  
30 the notification under section thirteen, was subject to any lease or sublease with or without any option to purchase or any agreement for sale, occupation, or lease made by or with the owner or mortgagee:

Provided that the Governor shall not be compelled to include in such reference or to resume—

35 (a) any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the reference or the resumption, as the case may be, has more than five years to run; or

40 (b) any land forming such residue where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon.

Provided also that such right shall be asserted on the prescribed form within four weeks of the notification of the intention to refer.

The power of resumption, if exercised at all, shall, unless otherwise  
45 agreed between the parties, be exercised with respect to the whole of the land referred to the said board under this subsection.

*Supplemental.*

16. 18. The Governor may make regulations for carrying out the  
provisions of this Act. Regulations.



## CLOSER SETTLEMENT (AMENDMENT).

(Amendments to be proposed in Committee of the Whole by  
THE HON. MR. ASHTON.)

Page 3. *After* clause 5 *insert* new clause as follows :—

5A. Where the Governor, by proclamation under either of the two last preceding sections, notifies that he proposes to acquire any land for the purposes of closer settlement, no disposition of such land shall operate to defeat the power of the Governor to resume the same under this Act. Such restriction shall cease after the expiration of twelve months from the date of such proclamation.

Page 3. *After* clause 6 *insert* new clause :—

6A. (1) Where under this Act or the Principal Act a resumption is made of part only of land which before such resumption formed and was owned and worked as one property, the following provisions shall apply :—

- (a) The land resumed shall be in one continuous block.
- (b) The advisory board, or the court determining the value of such land, shall have regard not only to the value of the land resumed, but also to the damage (if any) caused by the severing of the land resumed from such of the residue as does not include land retained by the owner in pursuance of this Act, or land agreed to be sold, or which was leased with an option to purchase, or which was subject to a lease which, at the time of the resumption, had more than five years to run.

(2) For the purposes of this section, a block may be continuous although some parts thereof are separated from other parts by roads, rivers, or watercourses.

Page 5, clause 15, lines 22 to 28. *Omit* the first proviso, *insert* the following :—

Provided that the Governor shall not be compelled to include in such reference or to resume—

- (a) any land retained by the owner in pursuance of this Act, or land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the reference or the resumption, as the case may be, has more than five years to run ; or
- (b) any land forming such residue where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon.



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Legislative Council.

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CLOSER SETTLEMENT (AMENDMENT) BILL.

Page 4, clause 10. *Omit* the clause and *insert* the following :—

10. Where the Governor has by proclamation (not being a proclamation under section 5) notified that he proposes to acquire any land for the purposes of closer settlement, the owner of such land may, within four weeks after the date of such proclamation, require the Governor to include in any resumption to be made in pursuance of such proclamation any land forming the residue of the same property, and worked with it ; and the Governor shall in any such resumption include such residue.

Provided that the Governor shall not be compelled to resume—

- (a) Any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the resumption has more than five years to run ; or
- (b) Any land forming such residue, where such residue exceeds £20,000 in value, exclusive of the value of any improvements thereon.

But in such case the Court hearing any appeal under this Act shall have regard not only to the value of the land resumed but also to the damage (if any) caused by the severing of the land resumed from such of the residue aforesaid as does not include land subject to an agreement for sale or to a lease as mentioned in paragraph (a) of this section.

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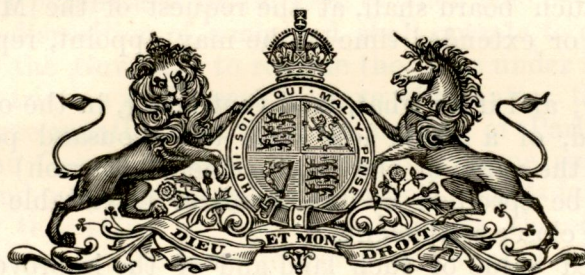


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 22 November, 1907, A.M. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO SEPTIMO

EDWARDI VII REGIS.

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Act No. , 1907.

An Act to amend the Closer Settlement Act, 1904, and the Closer Settlement (Amendment) Act, 1906; and for other purposes.

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

5

*Preliminary.*

1. This Act may be cited as the "Closer Settlement (Amendment) Act, 1907," and shall be construed with the Closer Settlement Act, 1904 (hereinafter referred to as the Principal Act), and the Closer Settlement (Amendment) Act, 1906.

10484

143—A

*Advisory*



*Closer Settlement (Amendment).*

*Advisory boards.*

2. The Governor may, for the purposes of this Act, constitute three boards to be called Closer Settlement Advisory Boards, and may dissolve and reconstitute any such board. Any such board is herein-  
5 after in this Act referred to as an "Advisory Board."

Each such board shall consist of three members to be appointed by the Governor. One of such members shall be so appointed chairman of the board.

10 In case of the absence or illness of a member of any such board, the Governor may appoint a deputy, who, during such absence or illness, shall have the power of a member of such board.

3. (1) Every such board shall, at the request of the Minister and within such time or extended time as he may appoint, report to him as follows:—

15 (a) Whether any, and if so what, land (not being, in the opinion of the board, of a value less than ten thousand pounds, exclusive of the value of the improvements thereon) within an area to be specified by the Minister is suitable to be acquired for closer settlement.

20 (b) The estimated value of such land and of the improvements thereon respectively.

(c) The price at which the board recommends the acquisition of the land, and the method of arriving at such price.

25 (d) The use to which the land may be put, and the capacity of the land for carrying stock, or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating, and such other particulars as the Minister requires.

(e) On any matter as to which the Minister requires a report.

30 (2) For the above purposes the board, or any member of the board, or any person authorised in writing by the chairman of the board, may, on giving the prescribed notice to the owner, enter any land and inspect the same, and any improvements thereon.

*Purchase and resumption of land.*

35 4. (1) Where an advisory board reports that any land is suitable to be acquired for closer settlement, the Governor may,—

(a) subject to this Act, purchase it by agreement with the owner; or, failing such agreement,

40 (b) where the value of the land, without the improvements thereon, as estimated by the advisory board, exceeds twenty thousand pounds, resume it under this Act: Provided that this limitation of value shall not apply to land referred to in the next following section. (2)



*Closer Settlement (Amendment).*

(2) Every purchase or resumption shall be subject to approval by Parliament.

5. (1) Where, after the sixth day of November, one thousand nine hundred and seven, an Act has been passed sanctioning the construction of a line of railway, the Governor may, within six months after the passing of such Act, by proclamation in the Gazette, notify that he proposes to acquire for the purposes of closer settlement the land therein specified, being land situate within fifteen miles on either side of the line of the proposed railway, and exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon.

Approval by  
Parliament.

Where land is  
within ten miles of a  
proposed railway  
line.

(2) On such proclamation, the following provisions shall apply to any purchase or resumption of such land:—

15 (a) No disposition of such land shall operate to defeat the power of the Governor to resume the same under this Act. Such restriction shall cease to have effect after the expiration of three months from the next meeting of Parliament.

20 (b) The Governor may purchase or resume such land, or any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate inside or outside the said distance from the line of railway; provided that in the case of a purchase the price does not exceed that recommended by the advisory board.

25 (c) The advisory board or the court determining the value of any such land, shall, in estimating or determining such value, exclude any added value which would accrue to the land from the construction of the line of railway.

30 (d) Where the land is resumed, the owner may require the Governor to include in the resumption any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate inside or outside the said distance from the line of railway.

35 6. The resumption of land under this Act shall be effected by notification in the Gazette.

Resumption under  
this Act.

40 On such notification being made, the land shall, subject to the right of retainer hereinafter provided, vest in His Majesty for the purposes of the Principal Act, the Closer Settlement (Amendment) Act, 1906, and this Act, and be dealt with thereunder.

45 7. If the owner or mortgagee is dissatisfied with the amount at which the Governor has offered to purchase the land and improvements, or where no such offer has been made, the valuation of the same by the advisory board, he may apply to have the value of the land and improvements determined by a court as hereinafter provided by lodging with the Minister a notice of appeal in the prescribed form,

Application to have  
amount determined  
by a court.



*Closer Settlement (Amendment).*

form, within twenty-eight days after the notification of the resumption, or within such further time as may be allowed by the Minister, or as may, on application in a summary way, be allowed by a Supreme Court judge.

5        8. The matter of such appeal shall be heard and determined by a court constituted as provided in section eighteen of the Principal Act, and the decision of the judge and of one of the assessors of such court shall be the determination of the Court, and shall be final. Constitution of court.

10       9. The Governor may, notwithstanding the resumption of any land and any proceedings consequent thereon, at any time agree with the owner as to the price to be paid for the land: Provided that the conditions and restrictions of this Act shall apply to such agreement as if the same were a purchase under this Act. Agreement after resumption.

15       10. Where land has been resumed under this Act otherwise than in pursuance of section five, such owner may, within four weeks after the notification of such resumption, require the Governor to include in the resumption any land forming the residue of the same property and worked with it. Thereupon the Governor shall so include such residue: Right of owner to require contiguous land to be resumed.

20       Provided that the Governor shall not be compelled under this section to resume any such residue where it exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon, nor any land subject to lease or sublease with or without any option to purchase or any agreement for sale, occupation, or lease made by 25 or with the owner or mortgagee.

30       11. (1) The owner of any land resumed under this Act may retain out of such land a part thereof, but so that the value of such part, together with the value of the land forming the residue of the same property, and worked with it, shall not exceed ten thousand pounds; such value in each case being exclusive of the value of any improvements on the land. Where more than one person is the owner of such land, only one such right may be exercised. Retainer by owner of part of land resumed.

35       Such right shall be deemed to be waived unless the owner asserts the same in the prescribed manner within four weeks after the notification of the resumption, specifying the area, situation, boundaries, and value (without improvements) of the land which he proposes to retain.

40       (2) The area, situation, and boundaries of the land to be so retained shall be determined by the Minister on the recommendation of an advisory board. But if the owner is dissatisfied with such determination he may, within one week after service on him of notice of such determination, waive the exercise of his right of retainer by notice served on the Minister.

45       (3) Land retained by the owner under this section shall be excepted from the resumption, and the notification of resumption may be amended accordingly, or the Governor may, in his discretion, by notification in the Gazette, cancel such resumption. 12.



*Closer Settlement (Amendment).*

12. After notification of resumption under this Act, the owner may, with the consent of the Minister, retain the whole or any part of his estate for such period and upon such conditions as may be agreed upon. Retainer by agreement with Minister.

5 13. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Principal Act relating to the acquisition of land under that Act, and proceedings in relation thereto shall apply to a similar acquisition and proceedings relating thereto under this Act. Incorporation of sections of Principal Act.

10 14. The foregoing provisions of this Act relating to the purchase and resumption of land and the determination and payment of the value of the same, and matters consequent thereon, are in addition to and not in substitution for any other provisions in the Principal Act, or the Closer Settlement (Amendment) Act, 1906. Savings.

15 *Amendment of Principal Act.*

15. Subsection four of section sixteen of the Principal Act is repealed, and the following is substituted in its place:— Amendment of section 16 of Principal Act.

(4) The owner of any land referred to the closer settlement board shall have the right to require the Governor to include in such reference any land forming the residue of the same property and worked with it:

25 Provided that the Governor shall not be compelled under this subsection to refer to the said board or to resume any such residue where it exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon; nor any land which, at the date of the notification under section thirteen, was subject to any lease or sublease with or without any option to purchase or any agreement for sale, occupation, or lease made by or with the owner or mortgagee:

30 Provided also that such right shall be asserted on the prescribed form within four weeks of the notification of the intention to refer.

The power of resumption, if exercised at all, shall, unless otherwise agreed between the parties, be exercised with respect to the whole of the land referred to the said board under this subsection.

*Supplemental.*

35 16. The Governor may make regulations for carrying out the Regulations. provisions of this Act. Regulations.



## 107



New South Wales.



ANNO SEPTIMO

EDWARDI VII REGIS.

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Act No. 12, 1907.

An Act to amend the Closer Settlement Act, 1904, and the Closer Settlement (Amendment) Act, 1906; and for other purposes. [Assented to, 19th December, 1907.]

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

*Preliminary.*

1. This Act may be cited as the "Closer Settlement (Amendment) Act, 1907," and shall be construed with the Closer Settlement Act, 1904 (hereinafter referred to as the Principal Act), and the Closer Settlement (Amendment) Act, 1906.

(1)

▲

*Advisory*



*Closer Settlement (Amendment).**Advisory boards.*

Constitution of  
advisory boards.

2. The Governor may, for the purposes of this Act, constitute three boards to be called Closer Settlement Advisory Boards, and may dissolve and reconstitute any such board. Any such board is hereinafter in this Act referred to as an "Advisory Board."

Each such board shall consist of three members to be appointed by the Governor. One of such members shall be so appointed chairman of the board.

In case of the absence or illness of a member of any such board, the Governor may appoint a deputy, who, during such absence or illness, shall have the power of a member of such board.

Report by board.

3. (1) Every such board shall, at the request of the Minister and within such time or extended time as he may appoint, report to him as follows:—

- (a) Whether any, and if so what, land (not being, in the opinion of the board, of a value less than ten thousand pounds, exclusive of the value of the improvements thereon) within an area to be specified by the Minister is suitable to be acquired for closer settlement.
- (b) The estimated value of such land and of the improvements thereon respectively.
- (c) The price at which the board recommends the acquisition of the land, and the method of arriving at such price.
- (d) In the event of the board recommending the acquisition of part only of any property, the value of the residue, and whether it will be depreciated in value by such acquisition, and, if so, by what amount.
- (e) The use to which the land may be put, and the capacity of the land for carrying stock, or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating, and such other particulars as the Minister requires.
- (f) On any matter as to which the Minister requires a report.

Powers of  
inspection.

(2) For the above purposes the board, or any member of the board, or any person authorised in writing by the chairman of the board, may, on giving the prescribed notice to the owner, enter any land and inspect the same, and any improvements thereon.

*Purchase and resumption of land.*

Power to purchase  
or resume land.

4. (1) Where an advisory board reports that any land is suitable to be acquired for closer settlement, the Governor may,—

- (a) subject to this Act, purchase it by agreement with the owner; or, failing such agreement,

(b)



*Closer Settlement (Amendment).*

- (b) where the value of the land, without the improvements thereon, as estimated by the advisory board, exceeds twenty thousand pounds, resume it under this Act: Provided that this limitation of value shall not apply to land referred to in the next following section.

(2) Every purchase or resumption shall be subject to approval by resolutions of both Houses of Parliament.

Approval by  
Parliament.

(3) Before resuming any land, the Governor shall, by proclamation in the Gazette, notify that he proposes to acquire such land for the purposes of closer settlement.

5. (1) Where, after the sixth day of November, one thousand nine hundred and seven, an Act has been passed sanctioning the construction of a line of railway, the Governor may, within six months after the passing of such Act, by proclamation in the Gazette, notify that he proposes to acquire for the purposes of closer settlement the land therein specified, being land situate within fifteen miles on either side of the line of the proposed railway, being the property of one owner, and exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon.

Where land is  
within fifteen  
miles of a proposed  
railway line.

(2) On such proclamation, the following provisions shall apply to any purchase or resumption of such land:—

- (a) The Governor may purchase or resume such land, and any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate outside the said distance from the line of railway.
- (b) The advisory board, or the court determining the value of any such land, shall, in estimating or determining such value, exclude any added value which would accrue to the land from the construction of the line of railway.
- (c) Where the land is resumed, the owner may require the Governor to include in the resumption any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate inside or outside the said distance from the line of railway, or forming a part of such residue which by the resumption may be so severed from the rest of the area not resumed as, in the opinion of the advisory board, to render it unworkable with such area.

6. Where the Governor, by proclamation under either of the two last preceding sections, notifies that he proposes to acquire any land for the purposes of closer settlement, no disposition of such land shall operate to defeat the power of the Governor to resume the same under this Act. Such restriction shall cease after the expiration of twelve months from the date of such proclamation.

Restriction of  
disposition.



*Closer Settlement (Amendment)*

Resumption under  
this Act.

7. The resumption of land under this Act shall be effected by notification in the Gazette.

On such notification being made, the land shall, subject to the right of retainer hereinafter provided, vest in His Majesty for the purposes of the Principal Act, the Closer Settlement (Amendment) Act, 1906, and this Act, and be dealt with thereunder.

Restrictions on right  
of resumption.

8. (1) Where under this Act or the Principal Act a resumption is made of part only of land which before such resumption formed and was owned and worked as one property, the following provisions shall apply:—

(a) Unless otherwise agreed between the Minister and the owner, the land resumed shall be in one continuous block, or in areas separated only from each other by lands not owned by the person owning the area resumed.

(b) The advisory board, or the court determining the value of such land, shall have regard not only to the value of the land resumed, but also to the damage (if any) caused by the severing of the land resumed from such of the residue as does not include land retained by the owner in pursuance of this Act, or land agreed to be sold, or which was leased with an option to purchase.

(2) For the purposes of this section, a block may be continuous although some parts thereof are separated from other parts by roads, rivers, or watercourses.

Application to have  
amount determined  
by a court.

9. If the owner or mortgagee is dissatisfied with the amount at which the Governor has offered to purchase the land and improvements, or where no such offer has been made, the valuation of the same by the advisory board, he may apply to have the fair market value of the land and improvements determined by a court as hereinafter provided by lodging with the Minister a notice of appeal in the prescribed form, within twenty-eight days after the notification of the resumption, or within such further time as may be allowed by the Minister, or as may, on application in a summary way, be allowed by a Supreme Court judge.

Constitution of  
court.

10. The matter of such appeal shall be heard and determined by a court constituted as provided in section eighteen of the Principal Act, and the decision of the judge and of one of the assessors of such court shall be the determination of the Court, and shall be final.

Agreement after  
resumption.

11. The Governor may, notwithstanding the resumption of any land and any proceedings consequent thereon, at any time agree with the owner as to the price to be paid for the land: Provided that the conditions and restrictions of this Act shall apply to such agreement as if the same were a purchase under this Act.



*Closer Settlement (Amendment).*

12. Where the Governor has by proclamation (not being a proclamation under section five) notified that he proposes to acquire any land for the purposes of closer settlement, the owner of such land may, within four weeks after the date of such proclamation, require the Governor to include in any resumption to be made in pursuance of such proclamation any land forming the residue of the same property, and worked with it; and the Governor shall in any such resumption include such residue:

Right of owner to require contiguous land to be resumed.

Provided that the Governor shall not be compelled to resume—

- (a) any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the resumption has more than five years to run; or
- (b) any land forming such residue, where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon.

13. (1) The owner of any land proposed to be resumed under this Act may retain out of such land a part thereof, but so that the value of such part, together with the value of the land forming the residue, if any, of the same property, and worked with it, shall not exceed ten thousand pounds; such value in each case being exclusive of the value of any improvements on the land. Where more than one person is the owner of such land, only one such right may be exercised.

Retainer by owner of part of land resumed.

Such right shall be deemed to be waived unless the owner asserts the same in the prescribed manner within four weeks after the proclamation notifying that the Governor proposes to acquire the land for the purposes of closer settlement, specifying the area, situation, boundaries, and value (without improvements) of the land which he proposes to retain.

(2) The area, situation, and boundaries of the land to be so retained shall be determined by the Minister on the recommendation of an advisory board. But if the owner is dissatisfied with such determination he may, within one week after service on him of notice of such determination, waive the exercise of his right of retainer by notice served on the Minister.

14. After notification of resumption under this Act, the owner may, with the consent of the Minister, retain the whole or any part of his estate for such period and upon such conditions as may be agreed upon.

Retainer by agreement with Minister.

15. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Principal Act relating to the acquisition of land under that Act, and proceedings in relation thereto shall apply to a similar acquisition and proceedings relating thereto under this Act.

Incorporation of sections of Principal Act.



*Closer Settlement (Amendment).*

Savings.

16. The foregoing provisions of this Act relating to the purchase and resumption of land and the determination and payment of the value of the same, and matters consequent thereon, are in addition to and not in substitution for any other provisions in the Principal Act, or the Closer Settlement (Amendment) Act, 1906.

*Amendment of Principal Act.*

Amendment of  
section 16 of  
Principal Act.

17. Subsection four of section sixteen of the Principal Act is repealed, and the following is substituted in its place:—

(4) The owner of any land referred to the closer settlement board shall have the right to require the Governor to include in such reference any land forming the residue of the same property and worked with it:

Provided that the Governor shall not be compelled to include in such reference or to resume—

(a) any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the reference has more than five years to run; or

(b) any land forming such residue where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon:

Provided also that such right shall be asserted on the prescribed form within four weeks of the notification of the intention to refer.

The power of resumption, if exercised at all, shall, unless otherwise agreed between the parties, be exercised with respect to the whole of the land referred to the said board under this subsection.

*Supplemental.*

Regulations.

18. The Governor may make regulations for carrying out the provisions of this Act.

By Authority: WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1908.

[6d.]

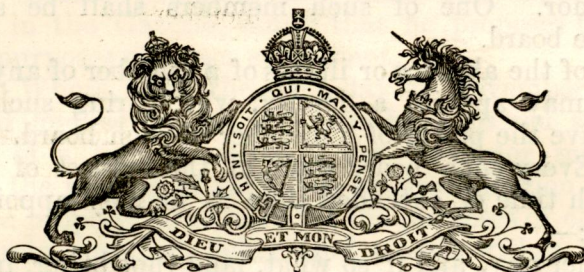


*I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Assembly Chamber,  
Sydney, 13 December, 1907, A.M. }*

*RICHD. A. ARNOLD,  
Clerk of the Legislative Assembly.*

## New South Wales.



ANNO SEPTIMO

EDWARDI VII REGIS.

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Act No. 12, 1907.

An Act to amend the Closer Settlement Act, 1904, and the Closer Settlement (Amendment) Act, 1906; and for other purposes. [Assented to, 19th December, 1907.]

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

### *Preliminary.*

1. This Act may be cited as the “Closer Settlement (Amendment) Act, 1907,” and shall be construed with the Closer Settlement Act, 1904 (hereinafter referred to as the Principal Act), and the Closer Settlement (Amendment) Act, 1906.

### *Advisory*

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

*JOHN J. COHEN,  
Chairman of Committees of the Legislative Assembly.*



*Closer Settlement (Amendment).**Advisory boards.*Constitution of  
advisory boards.

2. The Governor may, for the purposes of this Act, constitute three boards to be called Closer Settlement Advisory Boards, and may dissolve and reconstitute any such board. Any such board is hereinafter in this Act referred to as an "Advisory Board."

Each such board shall consist of three members to be appointed by the Governor. One of such members shall be so appointed chairman of the board.

In case of the absence or illness of a member of any such board, the Governor may appoint a deputy, who, during such absence or illness, shall have the power of a member of such board.

Report by board.

3. (1) Every such board shall, at the request of the Minister and within such time or extended time as he may appoint, report to him as follows:—

- (a) Whether any, and if so what, land (not being, in the opinion of the board, of a value less than ten thousand pounds, exclusive of the value of the improvements thereon) within an area to be specified by the Minister is suitable to be acquired for closer settlement.
- (b) The estimated value of such land and of the improvements thereon respectively.
- (c) The price at which the board recommends the acquisition of the land, and the method of arriving at such price.
- (d) In the event of the board recommending the acquisition of part only of any property, the value of the residue, and whether it will be depreciated in value by such acquisition, and, if so, by what amount.
- (e) The use to which the land may be put, and the capacity of the land for carrying stock, or for agriculture or other profitable use, the number of farms into which it could be suitably subdivided, and the possibilities of irrigating, and such other particulars as the Minister requires.
- (f) On any matter as to which the Minister requires a report.

Powers of  
inspection.

(2) For the above purposes the board, or any member of the board, or any person authorised in writing by the chairman of the board, may, on giving the prescribed notice to the owner, enter any land and inspect the same, and any improvements thereon.

*Purchase and resumption of land.*Power to purchase  
or resume land.

4. (1) Where an advisory board reports that any land is suitable to be acquired for closer settlement, the Governor may,—

- (a) subject to this Act, purchase it by agreement with the owner; or, failing such agreement,

(b)



*Closer Settlement (Amendment).*

- (b) where the value of the land, without the improvements thereon, as estimated by the advisory board, exceeds twenty thousand pounds, resume it under this Act: Provided that this limitation of value shall not apply to land referred to in the next following section.

(2) Every purchase or resumption shall be subject to approval by resolutions of both Houses of Parliament. Approval by Parliament.

(3) Before resuming any land, the Governor shall, by proclamation in the Gazette, notify that he proposes to acquire such land for the purposes of closer settlement.

5. (1) Where, after the sixth day of November, one thousand nine hundred and seven, an Act has been passed sanctioning the construction of a line of railway, the Governor may, within six months after the passing of such Act, by proclamation in the Gazette, notify that he proposes to acquire for the purposes of closer settlement the land therein specified, being land situate within fifteen miles on either side of the line of the proposed railway, being the property of one owner, and exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon. Where land is within fifteen miles of a proposed railway line.

(2) On such proclamation, the following provisions shall apply to any purchase or resumption of such land:—

- (a) The Governor may purchase or resume such land, and any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate outside the said distance from the line of railway.
- (b) The advisory board, or the court determining the value of any such land, shall, in estimating or determining such value, exclude any added value which would accrue to the land from the construction of the line of railway.
- (c) Where the land is resumed, the owner may require the Governor to include in the resumption any land not exceeding ten thousand pounds in value, exclusive of the value of any improvements thereon, forming the residue of the same property and worked with it and situate inside or outside the said distance from the line of railway, or forming a part of such residue which by the resumption may be so severed from the rest of the area not resumed as, in the opinion of the advisory board, to render it unworkable with such area.

6. Where the Governor, by proclamation under either of the two last preceding sections, notifies that he proposes to acquire any land for the purposes of closer settlement, no disposition of such land shall operate to defeat the power of the Governor to resume the same under this Act. Such restriction shall cease after the expiration of twelve months from the date of such proclamation. Restriction of disposition.



*Closer Settlement (Amendment).*

Resumption under  
this Act.

7. The resumption of land under this Act shall be effected by notification in the Gazette.

On such notification being made, the land shall, subject to the right of retainer hereinafter provided, vest in His Majesty for the purposes of the Principal Act, the Closer Settlement (Amendment) Act, 1906, and this Act, and be dealt with thereunder.

Restrictions on right  
of resumption.

8. (1) Where under this Act or the Principal Act a resumption is made of part only of land which before such resumption formed and was owned and worked as one property, the following provisions shall apply:—

(a) Unless otherwise agreed between the Minister and the owner, the land resumed shall be in one continuous block, or in areas separated only from each other by lands not owned by the person owning the area resumed.

(b) The advisory board, or the court determining the value of such land, shall have regard not only to the value of the land resumed, but also to the damage (if any) caused by the severing of the land resumed from such of the residue as does not include land retained by the owner in pursuance of this Act, or land agreed to be sold, or which was leased with an option to purchase.

(2) For the purposes of this section, a block may be continuous although some parts thereof are separated from other parts by roads, rivers, or watercourses.

Application to have  
amount determined  
by a court.

9. If the owner or mortgagee is dissatisfied with the amount at which the Governor has offered to purchase the land and improvements, or where no such offer has been made, the valuation of the same by the advisory board, he may apply to have the fair market value of the land and improvements determined by a court as hereinafter provided by lodging with the Minister a notice of appeal in the prescribed form, within twenty-eight days after the notification of the resumption, or within such further time as may be allowed by the Minister, or as may, on application in a summary way, be allowed by a Supreme Court judge.

Constitution of  
court.

10. The matter of such appeal shall be heard and determined by a court constituted as provided in section eighteen of the Principal Act, and the decision of the judge and of one of the assessors of such court shall be the determination of the Court, and shall be final.

Agreement after  
resumption.

11. The Governor may, notwithstanding the resumption of any land and any proceedings consequent thereon, at any time agree with the owner as to the price to be paid for the land: Provided that the conditions and restrictions of this Act shall apply to such agreement as if the same were a purchase under this Act.



*Closer Settlement (Amendment).*

12. Where the Governor has by proclamation (not being a proclamation under section five) notified that he proposes to acquire any land for the purposes of closer settlement, the owner of such land may, within four weeks after the date of such proclamation, require the Governor to include in any resumption to be made in pursuance of such proclamation any land forming the residue of the same property, and worked with it; and the Governor shall in any such resumption include such residue:

Right of owner to require contiguous land to be resumed.

Provided that the Governor shall not be compelled to resume—

- (a) any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the resumption has more than five years to run; or
- (b) any land forming such residue, where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon.

13. (1) The owner of any land proposed to be resumed under this Act may retain out of such land a part thereof, but so that the value of such part, together with the value of the land forming the residue, if any, of the same property, and worked with it, shall not exceed ten thousand pounds; such value in each case being exclusive of the value of any improvements on the land. Where more than one person is the owner of such land, only one such right may be exercised.

Retainer by owner of part of land resumed.

Such right shall be deemed to be waived unless the owner asserts the same in the prescribed manner within four weeks after the proclamation notifying that the Governor proposes to acquire the land for the purposes of closer settlement, specifying the area, situation, boundaries, and value (without improvements) of the land which he proposes to retain.

(2) The area, situation, and boundaries of the land to be so retained shall be determined by the Minister on the recommendation of an advisory board. But if the owner is dissatisfied with such determination he may, within one week after service on him of notice of such determination, waive the exercise of his right of retainer by notice served on the Minister.

14. After notification of resumption under this Act, the owner may, with the consent of the Minister, retain the whole or any part of his estate for such period and upon such conditions as may be agreed upon.

Retainer by agreement with Minister.

15. The provisions of sections twenty, twenty-one, twenty-two, twenty-three, forty-four, and forty-five of the Principal Act relating to the acquisition of land under that Act, and proceedings in relation thereto shall apply to a similar acquisition and proceedings relating thereto under this Act.

Incorporation of sections of Principal Act.



*Closer Settlement (Amendment).*

Savings.

16. The foregoing provisions of this Act relating to the purchase and resumption of land and the determination and payment of the value of the same, and matters consequent thereon, are in addition to and not in substitution for any other provisions in the Principal Act, or the Closer Settlement (Amendment) Act, 1906.

*Amendment of Principal Act.*

Amendment of section 16 of Principal Act.

17. Subsection four of section sixteen of the Principal Act is repealed, and the following is substituted in its place:—

(4) The owner of any land referred to the closer settlement board shall have the right to require the Governor to include in such reference any land forming the residue of the same property and worked with it:

Provided that the Governor shall not be compelled to include in such reference or to resume—

(a) any land agreed to be sold, or which is leased with an option to purchase, or which is subject to a lease which at the time of the reference has more than five years to run; or

(b) any land forming such residue where such residue exceeds twenty thousand pounds in value, exclusive of the value of any improvements thereon:

Provided also that such right shall be asserted on the prescribed form within four weeks of the notification of the intention to refer.

The power of resumption, if exercised at all, shall, unless otherwise agreed between the parties, be exercised with respect to the whole of the land referred to the said board under this subsection.

*Supplemental.*

Regulations.

18. The Governor may make regulations for carrying out the provisions of this Act.

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

State Government House,

Sydney, 19th December, 1907.

HARRY H. RAWSON,

Governor.