

CROWN LANDS AND CLOSER SETTLEMENT (AMENDING) ACT.

Act No. 52, 1924.

An Act to provide for the extension of the term of certain leases under the Crown Lands Acts ; to enable minors to execute mortgages of certain Crown tenures ; to extend the law relating to appraisement of certain soldiers' holdings ; to enable land to be set apart exclusively for certain classes of settlers ; to amend the Crown Lands Consolidation Act, 1913, and certain other Acts ; and for purposes connected therewith. [Assented to, 23rd December, 1924.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Crown Lands and Closer Settlement (Amending) Act, 1924," and is divided into Parts as follows :—

PART I.—PRELIMINARY—ss. 1, 2.

PART II.—SETTING APART LAND—ss. 3-6.

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PART III.—AMENDMENT OF CROWN LANDS CONSOLIDATION ACT, 1913—s. 7.

PART IV.—AMENDMENT OF CLOSER SETTLEMENT (AMENDMENT) ACT, 1914—s. 8.

PART V.—AMENDMENT OF RETURNED SOLDIERS SETTLEMENT ACT, 1915—s. 9.

Interpre-
tation.

2. Unless the context necessarily requires a different meaning, expressions defined in the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, or the Irrigation Act, 1912, shall bear the same meanings in this Act.

PART II.

SETTING APART LAND.

Setting apart
land for
certain
classes of
settlers.

3. (1) The Minister may by notification in the Gazette set apart any area of Crown land or of land acquired under the Closer Settlement Acts or land within an area which has been constituted as an irrigation area under section six of the Irrigation Act, 1912, to be disposed of under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, or the Irrigation Act, 1912, as subsequently amended respectively, to one or more of the following classes of applicants exclusively :—

- (a) discharged soldiers ;
- (b) sons of discharged soldiers who have died ;
- (c) share-farmers who have been share-farming in New South Wales under a written agreement for not less than one year ;
- (d) sons of farmers whose farms are in New South Wales ;
- (e) persons who have been awarded the diploma of the Hawkesbury Agricultural College ;
- (f)

- (f) persons who have arrived in New South Wales from the United Kingdom under the agreement made on the first day of June, one thousand nine hundred and twenty-three, between the Government of the United Kingdom and the Governments of the Commonwealth and New South Wales. George V,
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(2) The provisions of subsection one of this section shall extend to persons who come within any of the classes therein mentioned after as well as before the passing of this Act.

(3) Any notification under this section may by a like notification be amended or revoked.

(4) The area set apart in any one year exclusively for persons coming within class (f) of the persons referred to in subsection one of this section shall not exceed one-tenth of the total area made available for settlement in that year.

(5) No person shall be entitled to apply for any land set apart in pursuance of this section unless he has obtained a certificate of qualification in pursuance of this Act.

4. (1) The Minister may appoint classification committees consisting of not less than three nor more than five members. Classification
committee.

(2) A committee shall investigate the qualifications of each person who applies for a certificate of qualification, and if satisfied that the applicant possesses the necessary knowledge, experience, and qualification to be allotted a farm in pursuance of this section shall issue a certificate to that effect in the prescribed manner, or if not so satisfied may refuse to issue a certificate or may defer consideration of the application.

(3) The certificate shall set out the class of farming for which the applicant is found to be qualified and shall be available for land suitable for that class of farming only.

5. (1) The holder of a qualification certificate issued in accordance with this section may apply for land in the prescribed manner and form. Applications
for land.

(2)

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(2) Where the land applied for is Crown land other than land within an irrigation area the application shall be dealt with by a local land board or a closer settlement advisory board, which may in the manner prescribed by the Crown Lands Acts or the Closer Settlement Acts, as the case may be, confirm or allow or disallow the application.

(3) Where the land applied for is within an irrigation area, the Water Conservation and Irrigation Commission may in the prescribed manner grant or refuse the application.

(4) When the application is confirmed, allowed, or granted, as the case may be, the land shall be held for the tenure and under the Act named in the notification setting the land apart under this Act.

Regulations.

6. (1) The Governor may make regulations for carrying the provisions of this Act into effect.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of such publication or from a later date to be specified in such regulations;
- (c) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART III.

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No. 52.AMENDMENT OF CROWN LANDS CONSOLIDATION ACT,
1913.

7. The Crown Lands Consolidation Act, 1913, is amended as follows:—

Amendment
of Act 1913
No. 7.

- (a) By inserting at the end of section fifty-two the following new paragraph:—

Sec. 52.
Conditional
leases.

“The holder of a conditional lease subsisting at the commencement of the Crown Lands and Closer Settlement (Amending) Act, 1924, may upon application as prescribed made during the last five years of the lease have the term thereof extended for a period of twenty years divided into two periods of ten years.

The annual rent for each such period shall be as determined by the local land board”;

- (b) by omitting from section seventy-five the words “one thousand nine hundred and twenty” and inserting the words “three hundred and twenty” in lieu thereof;

Sec. 75.
Special lease.

- (c) by omitting section one hundred and seven, and substituting the following new section:—

Sec. 107.
Conditional
purchase leases.

107. A conditional purchase lease shall have and shall be deemed to have had a term of fifty years from the date of the application therefor, divided into two periods each of twenty-five years.

Term and
rent of
conditional
purchase
lease.

The capital value of the conditional purchase lease shall, for the first period of twenty-five years after the application therefor, be the value as notified, unless a lower value has been determined in pursuance of the provisions of this Act, and for the second period of twenty-five years shall be determined by the local land board.

The rent shall be at the rate of two and one-half per centum of the capital value of the block;

(d)

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Sec. 114.

Additional
holding.

(d) by inserting in subsection two of section one hundred and fourteen the following new paragraph :—

(f) an additional holding shall not be allowed under this section in virtue of any holding which is a conversion of a special lease;

Sec. 185.

Conditional
leases.

(e) by inserting at the end of section one hundred and eighty-five the following new paragraph :—

(5) Notwithstanding the foregoing provisions of this section the holder of any such conditional lease subsisting at the commencement of the Crown Lands and Closer Settlement (Amending) Act, 1924, may upon application as prescribed made during the last five years of the lease have the term thereof extended for a period of twenty years, divided into two periods of ten years.

The annual rent for each such period of ten years shall be as determined by the local land board;

Sec. 240.
Minors.

(f) (i) by inserting in section two hundred and forty after the words “loan of money” the words “whether secured on such holding or otherwise”;

(ii) by inserting in the same section after the words “in like manner” the words “mortgages or transfers by way of mortgage such holding or”;

(iii) by inserting in the same section after the words “in respect of such agreement” the words “mortgage or transfer”;

(iv) by adding the following proviso at the end of the section :—

Provided however that no mortgage or transfer by way of mortgage by any such person shall be valid unless the consent in writing of the Public Trustee thereto has been first obtained. Application for such consent shall be made as prescribed;

(g)

- (g) by inserting at the end of section three hundred and ten the following new subsection :—

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(2) Notwithstanding the foregoing provisions of this section, the holder of any such conditional lease subsisting at the commencement of the Crown Lands and Closer Settlement (Amending) Act, 1924, may upon application as prescribed made during the last five years of the lease have the term thereof extended for a period of twenty years, divided into two periods of ten years.

Sec. 310.
Conditional
leases.

The annual rent for each such period of ten years shall be as determined by the local land board.

PART IV.

AMENDMENT OF CLOSER SETTLEMENT (AMENDMENT) Act, 1914.

8. Section nine of the Closer Settlement (Amendment) Act, 1914, is amended :—

Amendment
of Act No. 7,
1914.

- (i) By inserting after the words "loan of money" the words "whether secured on such holding or otherwise";
- (ii) by inserting after the words "in like manner" the words "mortgages or transfers by way of mortgage such holding or";
- (iii) by inserting after the words "in respect of such agreement" the words "mortgage or transfer";
- (iv) by adding at the end the following proviso :—

Sec. 9.

Provided, however, that no mortgage or transfer by way of mortgage by any such person shall be valid unless the consent in writing of the Public Trustee thereto has been first obtained. Application for such consent shall be made as prescribed.

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PART V.

AMENDMENT OF RETURNED SOLDIERS SETTLEMENT
ACT, 1916.

Amendment
of Act No.
21, 1916.
Sec. 19.

9. The Returned Soldiers Settlement Act, 1916, as amended by the Returned Soldiers Settlement (Amendment) Act, 1919, is amended—

(a) By omitting from subsection one of section nineteen the words “ has acquired land from the Crown ” and by inserting the words “ is the holder of land ” in lieu thereof;

(b) by adding at the end of section nineteen the following new subsection:—

(4) Where the provisions of this section have been once availed of, no further application thereunder in respect of the same land shall be entertained.
