

## WAR SERVICE LAND SETTLEMENT AND CLOSER SETTLEMENT (AMENDMENT) ACT.

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Act No. 15, 1947.

**George VI.** An Act to make further provision for and in relation to the settlement on the land of members or discharged members of His Majesty's Naval, Military, or Air Forces and other eligible persons; to reduce the value of land which an owner may retain upon resumption for closer settlement; to reduce the maximum period during which an owner may remain in occupation following resumption of his property; for these and other purposes to amend the War Service Land Settlement Act, 1941, as amended by subsequent Acts, the Closer Settlement Acts and certain other Acts in certain respects; and for purposes connected therewith.  
[Assented to, 28th March, 1947.]

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**B**E it enacted by the King's Most Excellent Majesty, **No. 15, 1947.** by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**1.** This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, **1947.**" **Short title.**

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

(a) (i) by omitting from subsection one of section 9A the word "three" and by inserting in lieu thereof the word "one"; **Sec. 9A.  
(Applications to Minister to acquire private lands.)**

(ii) by inserting in the same subsection after the words "subsequent Acts" the words "who or";

(iii) by omitting from the same subsection the words "who desire" and by inserting in lieu thereof the words "who desires or desire";

(iv) by inserting at the end of the same subsection the following paragraph:—

For the purposes of this subsection:—

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

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

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

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

140      **War Service Land Settlement and Closer Settlement  
(Amendment) Act.**

**No. 15, 1947.**

in the interests of one of  
such owners,

shall be deemed to be land held  
by the one owner;

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

(1a) An application under this section by one  
person shall not be entertained by the Minister  
unless he is satisfied that the land the subject  
of such application forms part of a property  
which is capable of subdivision into not less than  
two home maintenance areas;

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

(3) Where in any such application the number  
of the original applicants is more than one and  
such number is for any cause reduced or  
increased the application may with the consent  
of the Minister be proceeded with notwithstanding  
such reduction or increase in number.

(d) by inserting in paragraph (a) of subsection  
one of section 9r after the word "shall" the  
words "where necessary."

(2) Sub-paragraph (iv) of paragraph (a) of sub-  
section one of this section shall be deemed to have com-  
menced on the seventeenth day of January, one  
thousand nine hundred and forty-six.

**Amendment of  
Act No. 12,  
1907.**

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

(a) by omitting from section 10A the words "twelve  
months" and by inserting in lieu thereof the  
words "six months or such further period or  
periods as may be approved by the Minister";

(b) by omitting from paragraph (b) of the proviso  
to section twelve the word "twenty" and by  
inserting in lieu thereof the word "fourteen";

(c) by omitting from subsection one of section thirteen  
the word "twenty" and by inserting in lieu  
thereof the word "fourteen." (2)

**Sec. 10A.  
(Resumption  
may be  
discontinued  
by the  
Minister.)**

**Sec. 12.  
(Right of  
owner to  
require con-  
tiguous land  
to be  
resumed.)**

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

(2) The amendments made by paragraphs (b) and **No. 15, 1947.**  
(c) of subsection one of this section shall apply in any case where a proclamation (not being a proclamation under section five of the Closer Settlement (Amendment) Act, 1907) notifying that the Governor proposes to consider the advisability of acquiring land for the purposes of closer settlement has been published in the Gazette before the commencement of this Act as well as in any case where such a proclamation has been so published after such commencement.

**4.** The War Service Land Settlement Act, 1941, as **Amendment of  
Act No. 43,  
1941.** amended by subsequent Acts, is amended—

(a) (i) by omitting from subsection four of section **Sec. 8c.  
8c** the words "by the Minister";  
(ii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the words "the Minister";  
(iii) by omitting from the same subsection the words "as may be prescribed" and by inserting in lieu thereof the words "as he may by writing under his hand appoint";  
(iv) by inserting in subsection five of the same section after the word "declared" the words "by the Minister";  
(b) by inserting next after section 8D the following **New sec.  
8DD.** new section:—

8DD. (1) The Minister may, in relation to any **Delegation  
of powers.** particular matter or class of matters, by writing under his hand delegate to the Rural Bank of New South Wales all or any of his powers or functions under subsections one, two, four, five, six and seven of section 8c or under subsection one of section 8D of this Act so that the delegated powers or functions may be exercised by the Rural Bank of New South Wales with respect to the matter or class of matters specified in the instrument of delegation.

Every delegation under this section shall be revocable at will, and no delegation shall prevent the exercise of any power or function by the Minister. **Where**

**No. 15, 1947.**

Where in any of the aforesaid subsections the exercise of any power or function by the Minister or the operation of any provision of any such subsection is dependent upon the opinion, belief or state of mind of the Minister in relation to any matter, that power or function may be exercised by the delegate or that provision may operate, as the case may be, upon the opinion, belief or state of mind of the delegate in relation to that matter.

(2) The provisions of section sixty-nine of the Government Savings Bank Act, 1906, as amended by subsequent Acts, shall not apply in respect of any advance made by the Minister or the Bank or in respect of any mortgage, lien or charge in favour of the Bank, in pursuance of the provisions of this section and section 8c of this Act.

(3) "Minister" in this section in the case of lands within an irrigation area, or advances to a holder of land within an irrigation area, shall be read as Minister for the time being charged with the administration of the Irrigation Act, 1912-1946.

**Further amendment of  
Act No. 88,  
1943.**

**Sec. 9.  
(Closer  
Settlement  
Leases.)**

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

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

(a) by omitting from paragraph (a) of subsection two of section nine the word "application" and by inserting in lieu thereof the words "commencement of title";

(b) (i) by inserting at the end of subsection one of section 9F the following new paragraph:—

(e) The Minister may at any time by notification in the Gazette modify, alter or revoke any notification under paragraph (c) of this subsection;

(ii) by inserting at the end of subsection two of the same section the words "and the words 'allowance of the application' in paragraph (b)

(b) of subsection two of section nine of this No. 15, 1947.  
Act shall be read as 'commencement of  
title' ';

(c) by inserting in section 10A after the word <sup>Sec. 10A.  
(Payment for  
improvements.)</sup> "seven" the words "or subsection one of section 9F";

(d) by inserting next after section thirteen the <sup>New sec.  
13A.</sup> following new section:—

13A. Where in pursuance of the provisions of <sup>Surrender  
of leases.</sup> section thirteen of this Act the holder of any settlement purchase lease or group purchase lease or closer settlement lease surrenders the whole or part thereof the land so surrendered shall thereafter be dealt with and disposed of under the provisions of this Act or the Closer Settlement Acts, or set apart and disposed of under section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts, and in no other way.

The land shall not be open to any application until again notified for the purpose.

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

**6.** (1) The War Service Land Settlement Act, 1941, <sup>Further  
amendment of  
Act No. 48,  
1941.</sup> as amended by subsequent Acts, is further amended—

(a) (i) by inserting in the definition of "Discharged member of the forces" in subsection one of section two after the word "discharge" where firstly occurring the words "or for any other reason has ceased to be engaged on war service";

(ii) by inserting in the same definition after the word "discharge" where secondly occurring the words "or whose ceasing to be engaged on war service";

(b) (i) by inserting in paragraph (b) of subsection three of section four after the word "discharge" the words "or for any other reason has ceased to be engaged on war service";

(ii)

**144      War Service Land Settlement and Closer Settlement  
(Amendment) Act.**

**No. 15, 1947.**

(ii) by inserting at the end of the same paragraph the following words:—

“Nothing in this paragraph shall affect the right of any person to apply for land set apart to be disposed of in accordance with section three of this Act”;

**Subst.  
sec. 8B.**

(c) by omitting section 8B and by inserting in lieu thereof the following section:—

8B. The Minister may expend moneys in effecting improvements on, constructing roads of access to, or otherwise preparing farms, blocks or areas for settlement either before or after their being set apart to be disposed of in accordance with section three of this Act, or after their disposal under that section. He may also expend moneys for the like purposes in respect of lands purchased under section 9D of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, either before or after the vesting of the land in the applicant under section 9F of such Act, as so amended.

The amount which he may expend upon the erection of a dwelling shall not exceed seven hundred and fifty pounds or such greater amount, as he may in special circumstances determine, in respect of any one such farm or block; and the erection may be deferred until after disposal or vesting of the land, as the case may be.

Provided that where the improvements are effected or the dwelling erected after disposal or vesting of the land, as the case may be, the holder shall become liable to the Crown for all payments in respect thereof, and in like manner, as he would have been required by law to make if such improvements had been effected or dwelling erected prior to disposal or vesting; but the first of such payments shall not become due until a date to be determined by the Minister, such date being not later than the date on which  
the

the first payment would have become due if No. 15, 1947  
the holder's title to the holding had commenced  
on the day next succeeding the day on which  
the improvements or erection of the dwelling,  
as the case may be, were completed.

"Minister" in this section in the case of lands  
within an Irrigation Area shall be read as  
Minister for the time being charged with the  
administration of the Irrigation Act, 1912-1946.

(d) by inserting next after section 8E the following <sup>New</sup>  
new section:— <sup>sec. 8F.</sup>

8F. An application whether made before or <sup>With-  
drawal  
of applica-  
tions.</sup>  
after the commencement of the War Service  
Land Settlement and Closer Settlement (Amend-  
ment) Act, 1947, by a member of the forces or <sup>cf. Act No.  
21, 1916,  
s. 13.</sup>  
discharged member of the forces or other eligible  
person for any area of land set apart under sec-  
tion three of this Act, may, with the permission  
of the Minister, or in the case of land within an  
irrigation area, of the Water Conservation and  
Irrigation Commission, be withdrawn before or  
after the confirmation, granting or allowance  
thereof.

Provided that any such withdrawal shall  
not be permitted unless applied for before the  
expiration of twelve months, or in the case of  
land within an irrigation area before the expira-  
tion of three months, after the confirmation or  
granting or allowance of the application.

Where an application has been withdrawn  
pursuant to this section the Minister or the  
Water Conservation and Irrigation Commission,  
as the case may be, may grant a refund of the  
whole or part of the moneys paid by the appli-  
cant in connection with such land.

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