

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

Act No. 15, 1947.

George VI.
No. 15, 1947. 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.]

BE

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

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BE it enacted by the King's Most Excellent Majesty, No. 15, 1947.
by and with the advice and consent of the Legis-
lative Council and Legislative Assembly of New South
Wales in Parliament assembled, and by the authority of
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 amended— Amendment of Act No. 38, 1943.

- (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

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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.

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

- (d) by inserting in paragraph (a) of subsection one of section 9f after the word “shall” the words “where necessary.”

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

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

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

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

- (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”;

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

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

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

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

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(2) The amendments made by paragraphs (b) and (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 advisableness 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. No. 15, 1947.

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

- (a) (i) by omitting from subsection four of section 8c the words “by the Minister”; Sec. 8c.
(Advances
and other
assistance
to settlers
under this
Act.)
- (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 section:— New sec.
8dd.

8dd. (1) The Minister may, in relation to any 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. Delegation
of powers.

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

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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. 38,
1943.

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

Sec. 9.
(Closer
Settlement
Leases.)

(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";

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

(b) (i) by inserting at the end of subsection one of section 9r 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).

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(b) of subsection two of section nine of this Act shall be read as 'commencement of title'";

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(c) by inserting in section 10A after the word "seven" the words "or subsection one of section 9F";

**Sec. 10A.
(Payment for
improvements.)**

(d) by inserting next after section thirteen the following new section:—

**New sec.
13A.**

13A. Where in pursuance of the provisions of 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.

**Surrender
of leases.**

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, as amended by subsequent Acts, is further amended—

**Further
amendment of
Act No. 43,
1941.**

(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";

**Sec. 2.
(Defini-
tions.)**

(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";

**Sec. 4.
(Classifica-
tion
Committee.)**

(ii).

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(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:—

Develop-
ment of
lands for
War Service
Land
Settlement.

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 New
new section:— sec. 8F.

8F. An application whether made before or With-
after the commencement of the War Service drawal
Land Settlement and Closer Settlement (Amend- of applica-
ment) Act, 1947, by a member of the forces or tions.
discharged member of the forces or other eligible cf. Act No.
person for any area of land set apart under sec- 21, 1916,
tion three of this Act, may, with the permission s. 13.
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.