

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

Act No. 48, 1948.

George VI.  
No. 48, 1948.

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 constitute and define the powers of war service land settlement boards; to make further provision for the acquisition of land for the purposes of war service land settlement and the price which may be paid for such land; to make special provision in relation to a closer settlement lease of portion 179, Parish of Bilda, County of Clarendon; to validate certain matters; 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, 24th December, 1948.]

**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 :—

Short title.

**1.** This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1948."

**2.**

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**2.** The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is amended by inserting next after section two the following new section:—

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**Amendment  
of Act No.  
43, 1941.**

**New sec.**

**2A.  
War Service  
Land Settlement  
Boards.**

2A. (1) The Governor may, from time to time, constitute one or more war service land settlement boards and dissolve and reconstitute any such board.

Each such board shall consist of three members appointed by the Governor.

Of the members so appointed—

- (a) one shall be an officer of the Department of Lands who is a discharged member of the forces or discharged soldier. Such member shall be the chairman of the board to which he is appointed;
- (b) one shall be appointed on the nomination of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch);
- (c) one shall be appointed on the nomination of the Australian Legion of Ex-Servicemen and Women, New South Wales State Branch.

(2) (a) In the case of the illness or absence of any member of a war service land settlement board, the Minister may appoint a deputy to act in the place of such member during his illness or absence, or may direct a member of any other war service land settlement board to so act.

(b) Any deputy appointed or any member directed to act as aforesaid, while acting during the illness or absence of a member, may exercise all the powers and functions of the member in whose place he acts.

(3) Such war service land settlement board as the Minister may direct, either generally or in any particular matter, or the chairman thereof, shall in respect of—

- (a) applications for land set apart under section three or section 3A of this Act, other than land in the Western Division,

(b)

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(b) such matters as may be prescribed, exercise within any land district all the powers and functions which, immediately before the date upon which any such direction takes effect, the appropriate local land board or chairman thereof exercised under this or any other Act or regulations thereunder.

Any direction given under this subsection—

- (i) shall take effect from the date thereof or such later date as the Minister may specify therein;
- (ii) may make such provision, as the Minister may deem necessary, in respect of matters, the subject of any such direction, pending or uncompleted before the local land board or chairman.

(4) Representations of any party (other than the Crown) before a war service land settlement board shall not be otherwise than by the party in person.

(5) Subject to this section the provisions of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, and regulations thereunder relating to a local land board, or the chairman of a local land board, or the members of a local land board, or any decision or recommendation of any such board, chairman or members, shall apply, *mutatis mutandis*, to a war service land settlement board, or the chairman of a war service land settlement board, or the members of a war service land settlement board or any decision or recommendation of any such board, chairman or members, respectively.

**Amendment  
of Act No.  
37, 1904.  
Sec. 4.  
(Defini-  
tions.)**

**3.** (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is amended—

- (a) (i) by inserting in section four at the end of the definition of "Owner" the words "or, where the land to be acquired is a tenure less than the fee-simple without the right to obtain the fee-simple, the holder of the land to be acquired";
- (ii)

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- (ii) by omitting from the same section the definition of "Private land"; **No. 48, 1946.**
- (b) by omitting from the heading to Part I the word "Private"; **Part I.  
(Heading.)**
- (c) by omitting from section eight the word "private"; **Sec. 8.  
(Contract may be made.)**
- (d) by omitting from section nine the words "Conditional leases under the Crown Lands Acts shall be treated as incomplete conditional purchases"; **Sec. 9.  
(Deductions.)**
- (e) by omitting from the heading to Part II the word "Private". **Part II.  
(Heading.)**
- (2) The Closer Settlement (Amendment) Act, 1906, as amended by subsequent Acts, is amended by omitting from subsection one of section three the word "private". **Amendment of Act No. 44, 1906.  
Sec. 3.  
(On vesting of land, lessee of then owner to become tenants of Minister.)**
- (3) The Closer Settlement (Amendment) Act, 1912, as amended by subsequent Acts, is amended— **Amendment of Act No. 74, 1912.**
- (a) by omitting from section 4A the word "private" wherever occurring and by inserting in lieu thereof the word "other"; **Sec. 4A.  
(Power to purchase leases.)**
- (b) by omitting from section five the word "private" wherever occurring and by inserting in lieu thereof the word "other". **Sec. 5.  
(Disposal of land.)**
- (4) The Closer Settlement (Amendment) Act, 1918, as amended by subsequent Acts, is amended— **Amendment of Act No. 48, 1918.**
- (a) by omitting from the short heading to section nine the word "private"; **Sec. 9.  
(Short heading.)**
- (b) by omitting from subsection one of section nine the word "private". **Sec. 9.  
(Applications to Minister to acquire lands.)**
- (5) The Closer Settlement (Amendment) Act, 1919, as amended by subsequent Acts, is amended— **Amendment of Act No. 46, 1919.**
- (a) by omitting from subsection one of section two the word "private"; **Sec. 2.  
(Agreements for purchase by discharged soldiers or sailors.)**
- (b) by omitting from subsection one of section ten the word "freehold". **Sec. 10.  
(Vesting on purchase under Part II of Act of 1918.)**
- (6)

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Amendment of  
Act No. 38,  
1943.

Sec. 9A.  
(Applications  
to Minister  
to acquire  
lands.)

Sec. 9D.  
(Purchase  
of land.)

(6) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection one of section 9A the word “private”;
- (b) by inserting at the end of section 9D the words “or he may at his discretion refuse the application: Provided that the Minister shall not so approve in respect of any such lands which are—
  - (i) within a reserve from sale, conditional sale, conditional purchase or other alienation under the Crown Lands Acts (as defined by the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts);
  - (ii) within a State Forest or timber or forest reserve;
  - (iii) within a reserve for mining or for mining purposes or within an area exempted from alienation under the Mining Act, 1906-1946:

Provided further that the Minister shall not so approve where in his opinion the amount of capital (including shares in any company or any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents is such as to warrant refusal of the application.”

Further  
amendment  
of Act No.  
43, 1941.

Sec. 8c.  
(Advances  
and other  
assistance  
to settlers  
under this  
Act.)

**4.** (1) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended—

- (a) by inserting in paragraph (c) of subsection seven of section 8c after the word “waived” the words “In special circumstances and upon conditions approved by the Minister of State of the Commonwealth for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth

Commonwealth the Minister may in any particular case defer repayment of principal moneys or any part thereof and defer or waive payment of interest or any part thereof. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.”

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- (b) (i) by inserting at the end of subsection three of section 8D the words “In special circumstances and upon conditions approved by the Minister of State of the Commonwealth for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth the Minister may in any particular case defer payment of any instalment of land purchase money or any part thereof and defer or waive payment of any rent or interest or any part thereof in respect of his occupation of such land. Any such deferment or waiver shall be for such period after the expiration of the assistance period as may be approved as aforesaid.”

Sec. 8D.  
(Assistance  
period.)

In respect of any discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister.”

- (ii) by omitting paragraph (a) of subsection four of the same section and by inserting in lieu thereof the following paragraph:—

(a) In this section “assistance period” means—

- (i) in the case of a discharged member of the forces or other eligible person a period of one year

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year following the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;

- (ii) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister, whichever date is the later:

Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces or other eligible person acquired land disposed of in accordance with section three of this Act "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

Further  
amendment  
of Act No.  
38, 1943.  
Subst. sec.  
9u.  
Waiver of  
certain  
payments.

(2) The Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, is further amended by omitting section 9u and by inserting in lieu thereof the following section:—

9u. Notwithstanding anything in any Act a member of the forces, discharged member of the forces, or other eligible person who has acquired land under the provisions of this Part of this Act or who has been granted a permissive occupancy of land acquired by the Crown under such provisions shall not

not be liable to pay any instalment of land purchase money during an assistance period, and any rent or interest becoming due and payable in respect of his occupation of such land during an assistance period shall be waived. In special circumstances and upon conditions approved by the Minister of State of the Commonwealth for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth the Minister may in any particular case defer payment of any instalment of land purchase money or any part thereof and defer or waive payment of any rent or interest or any part thereof in respect of the occupation of such land. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid. No. 48, 1948.

In respect of any such discharged member of the forces or other eligible person the payment of any rent or interest or any part thereof for the period commencing on the date of commencement of his title to the land and terminating on the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister may be waived by the Minister.

In this section "assistance period" means—

- (a) in the case of a discharged member of the forces or other eligible person a period of one year following the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;
- (b) in the case of a member of the forces a period of one year following the date on which he is issued with a qualification certificate as a discharged member of the forces or the date on which he enters into occupation and commences to work the land to the satisfaction of the Minister whichever date is the later:

Provided



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Provided that where before the seventeenth day of November, one thousand nine hundred and forty-seven, a member of the forces, discharged member of the forces, or other eligible person acquired land under the provisions of this Part of this Act or was granted a permissive occupancy of land acquired by the Crown under such provisions "assistance period" shall be deemed to have meant a period of one year following such date as the Minister may in any particular case determine.

Amendment  
of Act No.  
7, 1913.  
Subst. sec.  
147N.

(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by omitting section 147N and by inserting in lieu thereof the following section:—

Waiver of  
certain  
payments.

147N. Notwithstanding anything in any Act, any rent or interest becoming due and payable in respect of the occupation during an assistance period by a member of the forces, discharged member of the forces, or other eligible person, of land acquired under this Division of this Part of this Act, shall be waived. In special circumstances and upon conditions approved by the Minister of State of the Commonwealth for the time being charged with the administration of Part VII of the Re-establishment and Employment Act 1945 of the Commonwealth the Minister may in any particular case defer or waive payment of any rent or interest or any part thereof in respect of the occupation of such land by a member of the forces, discharged member of the forces, or other eligible person. Any such deferment or waiver shall be for such period after the expiration of such assistance period as may be approved as aforesaid.

In this section "assistance period" means—

- (a) in the case of a discharged member of the forces or other eligible person a period of one year following the date on which he enters into occupation of and commences to work the land to the satisfaction of the Minister;

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- (b) in the case of a member of the forces a No. 48, 1948  
period of one year following the date on  
which he is issued with a qualification certi-  
ficate as a discharged member of the forces  
or the date on which he enters into occupa-  
tion of and commences to work the land to  
the satisfaction of the Minister whichever  
date is the later.

(4) (a) Subsections one and two of this section  
shall be deemed to have commenced on the seventeenth  
day of November, one thousand nine hundred and forty-  
seven.

(b) Subsection three of this section shall be  
deemed to have commenced on the twenty-first day of  
May, one thousand nine hundred and forty-eight.

**5.** The War Service Land Settlement Act, 1941, as Further  
amendment of  
Act No. 43,  
1941.  
amended by subsequent Acts, is further amended—

- (a) by inserting next after section three the follow- New sec. 3A.  
ing new section:—

3A. (1) The Minister may, by notification pub- Further pro-  
vision for set-  
ting apart  
areas for  
selection by  
members or  
discharged  
members of  
the forces or  
discharged  
soldiers or  
other eligible  
persons.  
lished in the Gazette, set apart any area of  
Crown land or of land acquired under the Closer  
Settlement Acts or the Murrumbidgee Irriga-  
tion Act, 1910, or any of those Acts as amended  
by subsequent Acts, or otherwise, to be disposed  
of otherwise than in accordance with section  
three of this Act under the Crown Lands Con-  
solidation Act, 1913, the Closer Settlement Acts  
or the Western Lands Act of 1901, or any of  
those Acts as amended by subsequent Acts,  
exclusively to any one or more of the following  
classes of persons:—

- (a) members of the forces;
- (b) discharged members of the forces;
- (c) discharged soldiers;
- (d) other eligible persons.

Any notification under this section may be  
amended or revoked by the Minister by a  
notification published in the Gazette.

“Minister”

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“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.

(2) An application for any land set apart under this section shall be made in the form and manner prescribed.

(3) Subsections (1A), (1B) and five of section three of this Act shall apply, *mutatis mutandis*, in respect of land set apart and applications under this section.

Sec. 5.  
(Applications  
by parent or  
relative or  
other person.)

(b) by inserting in paragraph (a) of subsection one of section five after the word “three” the words and symbols “or section 3A”;

Sec. 8.  
(Previous  
holding not  
to disqualify  
in certain  
cases.)

(c) by inserting in section eight after the word “three” the words and symbols “or section 3A.”

Further  
amendment of  
Act No. 37,  
1904.  
Subst. sec. 49.

**6.** (1) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by omitting section forty-nine and by inserting in lieu thereof the following section:—

Contributions  
to cost of  
erection and  
maintenance  
of boundary  
fences.

49. (1) The holder of any settlement purchase, settlement purchase lease, group purchase lease or closer settlement lease, who shall fence his purchase or lease, may demand and enforce from the owner of adjoining lands or the holder from the Crown of any adjoining purchase, lease, homestead selection or homestead grant a contribution towards the cost of such fencing to the extent of one-half of the appraised value thereof, but so far only as such fencing marks a common boundary line or forms a common boundary fence; and while such fencing is maintained in good repair and condition by such person, every owner of adjoining lands or holder as aforesaid shall be and remain liable as a contributory towards the cost of so maintaining such fence to the extent of one-half the cost thereof:

Provided that the holder of a closer settlement lease shall obtain the approval of the Minister before demanding a contribution under this section:

Provided

Provided further that no holder of any lease having less than five years to run shall be liable as a contributory under this section towards the original cost of fencing but shall be liable as a contributory towards the cost of maintaining such fencing.

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(2) For the purposes of subsection one of this section and without limiting the generality of such subsection the holder of a closer settlement lease shall be deemed to have fenced his lease where the land comprised therein was fenced either before or after disposal of such land to such holder as a closer settlement lease, and either at the expense of the Crown or such holder or partly at the expense of the Crown and partly at the expense of such holder.

(2) The Pastures Protection Act, 1934, as amended by subsequent Acts, is amended—

**Amendment  
of Act No.  
35, 1934.**

(a) by inserting next after subsection one of section one hundred and twenty-three the following new subsection:—

**Sec. 123.  
(Contribution  
to the cost of  
rabbit, dog or  
marsupial  
proof fence.)**

(1A) For the purposes of subsection one of this section, and without limiting the generality of such subsection, the boundary, or any part thereof, of any holding comprising land disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV<sub>A</sub> of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall be deemed to have been fenced with a rabbit-proof, dog-proof, or marsupial-proof fence, or a fence on such boundary, or part thereof, shall be deemed to have been made rabbit-proof, dog-proof, or marsupial-proof, at the expense of the owner of such holding where such boundary or part thereof was fenced with a rabbit-proof dog-proof, or marsupial-proof fence, or where a fence on such boundary or part thereof was made rabbit-proof, dog-proof, or marsupial-proof either before or after disposal of such land

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land to such owner, and either at the expense of the Crown or such owner or partly at the expense of the Crown and partly at the expense of such owner:

Provided that such owner shall not give the prescribed notice of demand under paragraph (a) of subsection five of this section except with the approval of the Minister, or, in the case of lands within an irrigation area, the Minister charged with the administration of the Irrigation Act, 1912-1946.

- (b) by inserting at the end of subsection eight of the same section the words "or in the case of an owner of a holding disposed of by the Crown in accordance with section three of the War Service Land Settlement Act, 1941, Part IV of the Closer Settlement Amendment (Conversion) Act, 1943, or Division 3 of Part VI of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, then within twelve months after the completion of the work for which contribution is claimed or within twelve months after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, whichever is the later."

(3) Subsections one and two 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.**

**Sec. 4.**  
(Power to  
purchase or  
resume  
land.)

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

- (a) (i) by inserting in paragraph (a) of subsection four of section four next after the word "exceed" where secondly occurring the words "by more than fifteen per centum";
- (ii) by omitting from paragraph (b) of the same subsection the words "the value of the land as so assessed or determined shall not exceed the value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February."

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February, one thousand nine hundred and forty-two excepting the value of any improvements effected on such land since that date” and by inserting in lieu thereof the words “the following provisions shall apply:—

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- (i) in the case of any such resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board the value of the land as so assessed shall not exceed by more than fifteen per centum the value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;
- (ii) in the case of any such resumption other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value of the land as so assessed or determined shall not exceed the value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date”;
- (b) by omitting from paragraph (f) of subsection seven of section five the words “the price assessed or the value assessed or determined under this paragraph shall not exceed the price or value which would have been assessed or determined under this paragraph in respect of an identical purchase or resumption as at the tenth

Sec. 5.

(Lands within fifteen miles of proposed railway and lands to which added value accrues by reason of public works.)

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tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date," and by inserting in lieu thereof the words "the following provisions shall apply:—

- (i) in the case of any purchase, or any resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the price or value assessed under this paragraph shall not exceed by more than fifteen per centum the price or value which would have been assessed under this paragraph in respect of an identical purchase or resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;
- (ii) in the case of any resumption, other than a resumption where the owner has agreed not to claim compensation in excess of the value of the land as assessed by an advisory board, the value assessed or determined under this paragraph shall not exceed the value which would have been so assessed or determined in respect of an identical resumption as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date."

Further  
amendment  
of Act No.  
38, 1943.

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

Sec. 9B.  
(Valuation.)

- (a) by inserting in section 9B next after the word "exceed" the words "by more than fifteen per centum";

Sec. 9I.  
(Valuation.)

- (b) by inserting in section 9I next after the word "exceed" the words "by more than fifteen per centum."

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(3) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is further amended—

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amendment  
of Act No.  
7, 1913.

(a) by inserting in section 147E after the word “exceed” the words “by more than fifteen per centum”;

Sec. 147E.  
(Valua-  
tion.)

(b) by omitting from subsection three of section one hundred and ninety-seven the words “Provided that the price so determined shall not exceed the amount which the local land board or the Land and Valuation Court on appeal would have determined in respect of an identical acquisition as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date” and by inserting in lieu thereof the words “Provided that—

Sec. 197.  
(Exchanges  
and pur-  
chases for  
public pur-  
poses.)

(a) in the case of any purchase, or any resumption where the owner has agreed not to claim payment in excess of the price determined by the local land board, the price so determined shall not exceed by more than fifteen per centum the amount which the local land board would have determined in respect of an identical acquisition as at the tenth day of February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date;

(b) in the case of any resumption, other than a resumption where the owner has agreed not to claim payment in excess of the price determined by the local land board, the price so determined shall not exceed the amount which the local land board or the Land and Valuation Court on appeal would have determined in respect of an identical acquisition as at the tenth day of February,



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February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date."

**Further  
amendment  
of Act No.  
38, 1943.**

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

**Sec. 3A.**  
(Certain debts  
to Crown may  
be taken into  
account for  
purposes of  
calculating  
annual rent.)

- (a) by inserting at the end of section 3A the words "Provided that where by the operation of the foregoing provisions the amount upon which the annual rent is calculated in accordance with section three of this Act is increased in excess of the fair market value of the land as determined by an advisory board as at the date of application for conversion, calculated on a freehold basis, inclusive of all improvements, such excess shall thereupon be waived and the annual rent shall be two and one-half per centum of the fair market value as so determined";

**Sec. 7.**  
(Setting  
apart of  
land.)

- (b) by inserting at the end of subsection two of section seven the following new paragraph:—

- (d) A notification under paragraph (a) of this subsection may be made before the farms are measured, and in such case the farms shall be taken according to the design thereof. Where the farms are measured subsequent to such notification any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the incoming tenant.

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

- (c) (i) by omitting subsection one of section nine and by inserting in lieu thereof the following subsection:—

- (1) The title to a closer settlement lease shall be a lease in perpetuity.

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Where the application for the closer settlement lease was allowed by the local land board before the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, the title shall commence from the date of such application, if valid. No. 48, 1948.

Where the application for the closer settlement lease is allowed by the local land board after the commencement of such Act, the title shall commence from the date of such allowance;

- (ii) by omitting from paragraph (b) of subsection two of the same section the word "six" and by inserting in lieu thereof the word "three";

- (d) by inserting at the end of section 9A the following new subsections:—

(5) The application whether made before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, may with the consent of the owner and the approval of the Minister be varied by including therein additional land or excluding therefrom part of the lands included therein or by increasing or decreasing the price specified in the application.

Sec. 9A.  
(Applica-  
tions to  
Minister to  
acquire pri-  
vate lands.)

(6) The consent of the owner under subsection one of this section whether given before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948, and the consent of the owner under subsection five of this section, shall not be withdrawn before the expiration of sixty days after such owner has given to the Minister notice in writing of his intention to so withdraw: Provided that in no case shall such consent be withdrawn after the Minister has approved of the purchase.

(e)

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(Amendment) Act.**

**No. 48, 1948.**

Sec. 9B.  
(Valuation.)

- (e) by omitting from section 9B the words "such lands" and by inserting in lieu thereof the words "the lands the subject of such application";

Sec. 9D.  
(Purchase  
of land.)

- (f) by inserting in section 9D next after the word "made" where firstly occurring the words "or varied";

Sec. 9DA.  
(Vesting of  
land in the  
Crown.)

- (g) by omitting from section 9DA the words "Where, under section 9A of this Act an application has been made to the Minister to acquire any lands and the Minister has approved of the purchase of such lands" and by inserting in lieu thereof the words "Where the Minister has approved of the purchase of lands";

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

- (h) (i) by inserting at the end of paragraph (a) of subsection one of section 9F the following words and paragraph "Any lands deemed by the Minister to be necessary for roads, or any purpose which he considers to be a community purpose or a public purpose may be excluded from the farms, and any adjacent Crown lands may be included in such farms.

(a1) The subdivision may be made into farms before the farms are measured, and in such case the farms may be notified under paragraph (c) of this subsection according to the design thereof";

- (ii) by inserting next after paragraph (d) of the same subsection the following new paragraph:—

(d1) Where a farm has been measured after publication in the Gazette of a notification under paragraph (c) of this subsection any necessary adjustment shall thereafter be made as to the area, capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the person in whom the farm has been vested.

(iii)

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(iii) by inserting next after paragraph (c) of the same subsection the following new paragraph:—

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- (f) any lands deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are excluded from the farms under paragraph (a) of this subsection may be retained by the Crown either permanently or for a limited period, and the Minister may expend moneys necessary to maintain adequately such lands and the improvements thereon, and, if necessary, to replace improvements on such lands during such time as they are retained by the Crown. The Minister may grant permits to occupy such lands or any part thereof, upon such terms and conditions as to him may seem fit, or may otherwise dispose of such lands under the Closer Settlement Acts.

(2) The War Service Land Settlement Act, 1941, as amended by subsequent Acts, is further amended—

Further amendment of Act No. 43, 1941.

- (a) by omitting from the definition of “The war” in section two the words “this Act” and by inserting in lieu thereof the words and figures “the War Service Land Settlement and Closer Settlement (Amendment) Act, 1945”;

Sec. 2.  
(Definitions.)

- (b) by omitting from section 8B the words “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

Sec. 8B.  
(Development of lands for War Service Land Settlement.)

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date to be determined by the Minister, such date being not later than the date on which the first payment would have become due if 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" and by inserting in lieu thereof the words "Provided that where the improvements or the roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling are or is completed 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 or roads of access or the preparation otherwise of the farms, blocks or areas for settlement or the erection of the dwelling had been completed 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 first payment would have become due if the holder's title to the holding had commenced on the day next succeeding the day on which the improvements or the roads of access, or the preparation otherwise of the farms, blocks or areas for settlement, or erection of the dwelling, as the case may be, were completed. Any necessary adjustment shall be made as to the capital value and annual rent of the farm and of the nature and value of any structural improvements which are to be paid for by the holder";

**Sec. 8c.**  
(Advances  
and other  
assistance  
to settlers  
under this  
Act.)

- (c) (i) by inserting at the end of subsection two of section 8c the following words and new subsection "to such discharged member of the forces or other eligible person.

(2A) The Minister may permit the transfer of any such advances made to a discharged member of the forces or other eligible

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eligible person under subsection one or two of this section to any other discharged member of the forces or other eligible person with respect to any land owned or leased by such person.” No. 48, 1948.

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

(3) The Minister may purchase and dispose of such livestock, nursery stock for planting purposes, plant, equipment and implements as he may deem necessary for the purposes of this Act: Provided that he shall not purchase livestock in excess of current requirements. Any advances made or transferred to a discharged member of the forces, or other eligible person under the provisions of subsection one, two or (2A) of this section may be applied by such discharged member of the forces or other eligible person in acquiring any such livestock, nursery stock for planting purposes, plant, equipment or implements from the Minister.

The powers conferred on the Minister by this subsection shall be deemed to include the power to do all things which he considers necessary for the care or maintenance of any such livestock, nursery stock for planting purposes, plant, equipment or implements from the time of their purchase to the time of their disposal by him.

- (d) (i) by inserting in subsection one of section 8DD next after the word “two” the word “three”; Sec. 8DD.  
(Delegation  
of powers.)
- (ii) by omitting from the same subsection the words “subsection one of” and by inserting in lieu thereof the words “subsections one, three and four of”.

(e)

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

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New sec. 8g.

The Under-Secretary and prescribed officer may deal with certain matters on behalf of the Minister.

(e) by inserting next after section 8f the following new section:—

8g. The Under Secretary and any other prescribed officer shall have power on behalf of the Minister to deal with such matters as may from time to time be prescribed; and, where in pursuance of this section a decision is given by the Under Secretary or such other officer on behalf of the Minister it shall have the same effect as if given by the Minister in person.

Further amendment of Act No. 37, 1904.

Sec. 28.

(Applications, inquiry, and disposal by land board, appeal barred.)

(3) The Closer Settlement Act, 1904, as amended by subsequent Acts, is further amended by inserting in section twenty-eight next after the words "such board" the words "Provided that in determining which of the applicants are more eligible such board shall take into consideration the amount of capital (including shares in any company and any interest in any land) held by any applicant or by his or her spouse or by his or her parent or parents and where by reason of such holding of such capital the board is of the opinion that such applicant is less in need of land than any other applicant it shall deem him to be less eligible."

Further amendment of Act No. 12, 1907.

Sec. 3.

(Report by board.)

(4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is further amended—

(a) by inserting at the end of section three the following new subsection:—

(4) Where an advisory board is required by the Closer Settlement Acts to report upon the estimated value or to make a valuation of any lands which are held under homestead selection, homestead grant, or lease in perpetuity title (other than closer settlement lease, settlement purchase lease or group purchase lease) the capital value or annual rent of which is not subject to reappraisalment the board may for the purpose of arriving at such estimated value or making such valuation deduct from the freehold value of the land as determined by the board an amount arrived at by capitalising the annual rent of such homestead selection, homestead grant, or lease in perpetuity title, at such rate as may be prescribed.

(b)

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- (b) (i) by omitting from paragraph (a) of sub-  
section one of section four the words  
“failing such agreement”;
- (ii) by inserting at the end of subsection three  
of the same section the words “This sub-  
section shall not apply in respect of any  
resumption where the owner has agreed not  
to claim compensation in excess of the value  
of the land as assessed by an advisory  
board.”
- (c) by inserting next after section fifteen the  
following new section:—
- 15A. All or any reasonable costs incurred by  
a vendor in respect of a purchase of land by the  
Crown under the Closer Settlement Acts may,  
subject to taxation by the Prothonotary of the  
Supreme Court, be paid by the Crown, if the  
Minister so approves: Provided that the total  
amount of such costs shall not in any case exceed  
fifty pounds.
- (5) The Crown Lands Consolidation Act, 1913, as  
amended by subsequent Acts, is further amended—
- (a) (i) by inserting in section one hundred and  
twenty-four after the word “land” where  
secondly occurring the words “or any lands  
acquired under the Closer Settlement Acts  
or otherwise”;
- (ii) by inserting at the end of the same section  
the following new paragraph:—
- (5) The Minister may notify in the  
Gazette that the said blocks are made avail-  
able for the purpose of erecting dwellings  
thereon.
- (b) (i) by inserting at the end of paragraph (b) of  
section 129B the words “Provided that no  
such determination of value shall be made  
where the application is in respect of a  
suburban holding of a block notified by the  
Minister under section one hundred and  
twenty-four

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Sec. 4.  
(Power to  
purchase or  
resume  
land.)

New sec.  
15A.

Payment  
of costs.

Further  
amendment  
of Act No.  
7, 1913.

Sec. 124.  
(Suburban  
holding  
areas.)

Sec. 129B.  
(Purchase  
of suburban  
holdings.)



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—

twenty-four of this Act as made available for the purpose of erecting a dwelling thereon.”

- (ii) by omitting paragraph (f) of the same section and by inserting in lieu thereof the following paragraph:—

(f) (i) Where the value of the land has been determined by the local land board under paragraph (b) of this section the applicant, if dissatisfied with the value so determined, may, within one month after such determination, withdraw his application upon payment of costs as assessed by the board.

(ii) Where such value has not been so determined the price of the land shall be the capital value of the suburban holding as the same may have been determined by the local land board, otherwise than under paragraph (b) of this section, or if not so otherwise determined, such capital value as may have been duly notified in that behalf: Provided that where any areas are excluded under paragraph (d) of this section the price shall be such capital value as may be determined by the local land board. Such capital value shall be determined as at the date of commencement of title to the suburban holding.

**Sec. 145.**  
(Conversion  
of I.F.L. to  
I.F.P., &c.)

- (c) by inserting at the end of subsection one of section one hundred and forty-five the words:—  
“This section shall not apply to an irrigation farm lease, a non-irrigable lease, or a town land lease within the irrigation area known as the Tullakool Irrigation Area.”

**Sec. 158.**  
(Disqualifi-  
cation by  
ownership  
of land.)

- (d) by inserting at the end of subsection three of section one hundred and fifty-eight the following word and new paragraph “or

(c) owns or holds under any tenure—other than a lease having less than five years to run, unless such lease confers a right or power to purchase the freehold, which right or power may still

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still be exercised—any land suitable for residential purposes situated within any area which may be specified in the notification setting the land apart for disposal by way of suburban holdings”;

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(e) by inserting in subsection four of section one hundred and seventy-eight next after the word “pounds” the words “or where the area is of a greater unimproved value than three hundred pounds and the Minister is of the opinion that such dispensation is desirable to assist the holder to borrow money to be applied towards the erection of a dwelling on such area”;

Sec. 178.  
(Suspension  
or remission  
of condi-  
tions other  
than pay-  
ment.)

(f) by omitting from section two hundred and four the words “rent or license fee” where secondly occurring and by inserting in lieu thereof the words “lease or license unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the forfeiture was declared before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.”

Sec. 204.  
(Lease or  
license,  
when for-  
feitable.)

(6) The Prickly-pear Act, 1924, as amended by subsequent Acts, is amended by inserting at the end of section twenty-two the following new subsection:—

Amendment  
of Act No.  
31, 1924.  
Sec. 22.

(6) No forfeiture under this section of any lease shall operate to extinguish any debt to the Crown in respect of such lease unless the Minister otherwise approves. The Minister may so approve in respect of the whole or any part of such debt irrespective of whether the lease was forfeited before or after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1948.

(For-  
feiture.)

(7) (a) Paragraph (a) of subsection one of this section shall be deemed to have commenced on the third day of April, one thousand nine hundred and forty-five.

(b) Paragraphs (b) and (h) of subsection one, paragraphs (a) and (b), subparagraph (i) of paragraph (c) and paragraph (e) of subsection two, and subparagraph (i) of paragraph (b) of subsection four of this section

section

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**No. 48, 1948.** section shall be deemed to have commenced on the seventeenth day of January, one thousand nine hundred and forty-six.

Disallowance  
of an applica-  
tion for a  
closer settle-  
ment lease  
and allowance  
of another  
application.

**9. (1)** The application made by Charles Leslie Sadler Falkiner on the seventh day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby disallowed.

(2) The decision of the local land board given at Gundagai on the second day of June, one thousand nine hundred and forty-eight, allowing such application is hereby declared to be null and void.

(3) The land comprised in the said portion shall revert in the Crown for the like estate and interest as the Crown had in such land immediately prior to such decision.

(4) (a) If the said Charles Leslie Sadler Falkiner or any other person refuses to give up possession of the said land or hinders the Minister or any person acting on behalf of the Minister from entering upon or taking possession of the said land for and on behalf of the Crown, the Minister may issue a warrant to the sheriff to deliver possession of the same to the person appointed in such warrant to receive the same.

(b) Upon receipt of such warrant the sheriff shall deliver possession of the said land accordingly and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the sheriff, shall be paid by the person refusing to give possession, and the amount of such costs shall be payable to the Minister by and be recoverable from such person.

(5) No compensation other than for any improvements effected on the said land by the said Charles Leslie Sadler Falkiner prior to the thirtieth day of November one thousand nine hundred and forty-eight shall be payable to the said Charles Leslie Sadler Falkiner or to any other person in respect of the divesting of any estate or interest by this section or in respect of the performance of any act authorised by this section.

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Any compensation for any improvements under this subsection shall be such compensation as may be determined by a war service land settlement board or by the Land and Valuation Court on appeal by the said Charles Leslie Sadler Falkiner from the decision of such board or on reference by the Minister of such decision to such Court. No. 48, 1948.

(6) The application made by William John Elworthy on the eighth day of April, one thousand nine hundred and forty-eight, for a closer settlement lease of the said portion one hundred and seventy-nine of one thousand one hundred and fifteen acres in the parish of Bilda, county of Clarendon, is hereby allowed, and title to such closer settlement lease shall commence on a date to be appointed by the Minister and notified in the Gazette. Such closer settlement lease shall be subject to the general provisions of the Closer Settlement Acts and regulations thereunder relating to closer settlement leases, to the general conditions and restrictions imposed by such Acts and regulations in respect of closer settlement leases, and to the special conditions notified in the Gazette of the twenty-seventh day of February, one thousand nine hundred and forty-eight, in respect of a closer settlement lease of such portion.

(7) The provisions of this section shall have effect notwithstanding anything in any Act contained.

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