

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

Act No. 27, 1950.

An Act to make further provision in relation to the conversion of certain tenures into other tenures; to provide for the representation of parties before war service land settlement boards in certain cases; to extend the provisions relating to the forfeiture of certain holdings; to exclude certain tenures from the definition of "Crown lands" in section three of the Mining Act, 1906-1946; for these and other purposes to amend the Closer Settlement Amendment (Conversion) Act, 1943, the War Service Land Settlement Act, 1941, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 16th May, 1950.]

George VI,
No. 27, 1950.

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:—

1. This Act may be cited as the "War Service Land Settlement and Closer Settlement (Amendment) Act, 1950."

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) by omitting from subsection one of section two the word "forty-six" and by inserting in lieu thereof the word "fifty-one";

Sec. 2.
(Con-
version).

(b) by omitting from subsection one of section five the word "forty-six" and by inserting in lieu thereof the word "fifty-one".

Sec. 5.
(Reduction
of rent.)

(2).

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Amendment
of Act No.
66, 1941.

Sec. 3.

(Waiver of
interest and
rent.)

(2) The Crown Lands (Amendment) Act, 1941, as amended by subsequent Acts, is amended by inserting next after subsection two of section three the following new subsection:—

(2A) The provisions of subsection one of this section relating to interest shall apply to and in respect of any application by any person who is an applicant for the conversion of any settlement purchase or soldiers' group purchase into a lease in perpetuity under section two of the Closer Settlement Amendment (Conversion) Act, 1943, as amended by subsequent Acts, where such application for conversion is made after the commencement of the War Service Land Settlement and Closer Settlement (Amendment) Act, 1950.

For the purposes of the application of the provisions of subsection one of this section as aforesaid subsection two of this section shall be deemed to be amended by omitting the word "forty-six" wherever occurring and by inserting in lieu thereof the word "fifty-one."

Further
amendment
of Act No.
38, 1943.

Sec. 1.

(Short
title, com-
mencement
and division
into Parts.)

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

(a) (i) by omitting from the matter relating to Part I in subsection four of section one the letter and figure "s. 1" and by inserting in lieu thereof the letters and figures "ss. 1-1A";

(ii) by inserting in the matter relating to Part II in the same subsection after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES";

New sec. 1A.

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

Interpreta-
tion.

1A. In this Act unless the context or subject matter otherwise indicates or requires—

"Tender purchase" means a purchase by tender from the Crown of any land specified in the Schedule to this Act;

(c)

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- (c) by inserting in the heading to Part II after the word "PURCHASES" where firstly occurring the words "TENDER PURCHASES"; No. 27, 1950.
Part II.
(Short heading.)
- (d) (i) by inserting in subsection one of section two after the word "thirty-seven" the words "or of any tender purchase"; Sec. 2.
(Conversion.)
- (ii) by inserting in subsection five of the same section after the word "purchase" where firstly occurring the words "or tender purchase";
- (iii) by inserting in subsection eight of the same section after the word "purchase" where secondly occurring the words "or tender purchase";
- (e) (i) by inserting in paragraph (a) of subsection one of section three after the word "purchase" where secondly occurring the words "or tender purchase"; Sec. 3.
(Annual rent.)
- (ii) by inserting in subsection two of the same section after the word "purchase" where thirdly occurring the words "or tender purchase";
- (f) by inserting in section fifteen after the word "purchase" where firstly, ninthly, thirteenthly, fifteenthly and seventeenthly occurring the words "or tender purchase"; Sec. 15.
(Forfeiture of leases subject to securities held by Rural Bank.)
- (g) by inserting at the end thereof the following Schedule:— Schedule.

SCHEDULE.

Sec. 1A.

Land District.	County.	Parish.	Portion Numbers.	Area.
				a. r. p.
Young	Monteagle	Baxter ...	196	60 2 0
Young	Monteagle	Burrangong ...	302, 303	93 1 10
Young	Monteagle	Burrangong ...	70, 318	64 0 35
Young	Monteagle	Wambanumba	392, 393	128 2 0
Young	Monteagle	Baxter ...	191, 209	78 2 0
Young	Harden	Wilkie ...	299	59 3 0

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Further
amendment
of Act No.
38, 1943.

New sec. 2A.

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

- (a) by inserting next after section two the following new section:—

Conversion
of settle-
ment pur-
chases taken
up on or
after 15th
December,
1937.

2A. (1) Subject to regulations made under the Closer Settlement Acts in that regard the holder or the owner (subject to mortgage) of any settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven, may apply within the time prescribed by such regulations to convert such purchase into a lease in perpetuity.

(2) The provisions of subsections two, three, four, five, seven and eight of section two of this Act shall apply to and in respect of an application under this section.

(3) The annual rent for a settlement purchase lease which is a conversion of a settlement purchase under this section shall be as prescribed by regulations made under the Closer Settlement Acts.

(4) Save as provided in this section or in regulations made under the Closer Settlement Acts, the general provisions of this Act relating to settlement purchase leases shall apply to settlement purchase leases which are conversions of settlement purchases under this section.

Sec. 3.
(Annual
rent.)

- (b) by inserting in subsection one of section three next after the word “lease” where firstly occurring the words “(other than a settlement purchase lease which is a conversion of a settlement purchase the title to which commenced on or after the fifteenth day of December, one thousand nine hundred and thirty-seven).”

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

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Further
amendment
of Act No.
38, 1943.

- (i) by inserting in paragraph (a) of subsection one of section 9F after the word “purpose” where thirdly occurring the words “or any lands which the Minister considers should be excluded for any reason”;
- (ii) by omitting from paragraph (f) of the same subsection the words “deemed by the Minister to be necessary for any purpose which he considers to be a community purpose and which are”.

Sec. 9F.

(Vesting of
land in
applicant.)

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the seventeenth day of January, one thousand nine hundred and forty-six.

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

Amendment
of Act No.
43, 1941.

- (a) (i) by inserting in subsection four of section 2A after the word “not” the words “where the matter before the board is an application for land set apart under section three or section 3A of this Act”;
- (ii) by omitting from subsection five of the same section the words “or any decision or recommendation of any such board, chairman or members,” wherever occurring;
- (iii) by inserting at the end of the same section the following new subsection:—

Sec. 2A.

(War Ser-
vice Land
Settlement
Boards.)

(6) The provisions of section seven of the Closer Settlement (Amendment) Act, 1914, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision or recommendation or report of any war service land settlement board, or chairman of a war service land settlement board, and the provisions of section nineteen of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, shall, mutatis mutandis, apply to any decision, other than

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a decision in respect of an application for land set apart under section three or section 3A of this Act, or recommendation or report as aforesaid.

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

(b) by omitting subsection six of section 8c and by inserting in lieu thereof the following subsections:—

(6) Where the Minister is of opinion that any moneys advanced under this Act, or any advances transferred under this section, have not been applied for the purpose for which such moneys were advanced or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may refuse to pay any further instalments of the advance, or to make any further advances, and, if he so declares by a notification in the Gazette all moneys already advanced or all advances transferred, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

(6A) Where the Minister is of opinion after report by a war service land settlement board that any moneys advanced under this Act or any advances transferred under this section have not been applied for the purpose for which such moneys were advanced, or such advances transferred, or that such moneys or advances have been expended in a careless or extravagant manner, or that any plant, equipment, implement or livestock supplied in pursuance of this Act, or the land with respect to which the moneys were advanced, or the advances transferred, or any improvements on such land, are being neglected, he may by notification

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notification in the Gazette declare such land forfeited to the Crown, together with all moneys paid thereon and all improvements on the land. No. 27, 1950.

By notification in the Gazette the Minister may reverse any forfeiture under this subsection.

Upon forfeiture, the title to the land shall vest in His Majesty the King, and the land shall not be open to any application until again notified for the purpose.

(3) (a) The Mining Act, 1906-1946, is amended— Amendment
of Act No.
49, 1906.

(i) by omitting from paragraph (a) of the definition of "Crown lands" in section three the word and symbols "paragraph (f)" and by inserting in lieu thereof the words and symbols "paragraphs (f) and (h)"; Sec. 3.
(Interpreta-
tion.)

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

(h) lands subject to a lease granted under the Closer Settlement Acts or the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts.

(b) The amendments made by paragraph (a) of this subsection shall be deemed to have commenced upon the sixth day of March, one thousand nine hundred and forty-four.

(4) The Closer Settlement (Amendment) Act, 1907, as amended by subsequent Acts, is amended by inserting at the end of section four the following new subsection:— Amendment
of Act No.
12, 1907.
Sec. 4.

(5) Where in pursuance of subsection four of this section the price recommended or value assessed by an advisory board or the value determined by the Land and Valuation Court relates to any land which forms part of the land described in the Schedules to the Murrumbidgee Irrigation Area Resumption Act, 1910, as amended by subsequent Acts, such board or the Land and Valuation Court as the case may be, in arriving at such price or value, shall exclude any added (Power to
purchase or
resume
land.)

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added value which after the commencement of the Barren Jack Dam and Murrumbidgee Canals Construction Act, 1906, may have accrued or may accrue to the land from the construction of any works under such lastmentioned Act.

**Amendment
of Act No.
7, 1913.
Sec. 145.
(Conversion
of I.F.L.
to I.F.P.,
etc.)**

(5) The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by inserting at the end of subsection one of section one hundred and forty-five the words and figures “or to an irrigation farm lease or a non-irrigable lease granted in respect of lands set apart for disposal in accordance with the provisions of section three of the War Service Land Settlement Act, 1941, as amended by subsequent Acts.”
