

**RETURNED SOLDIERS SETTLEMENT
(AMENDMENT) ACT, 1980, No. 6**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 6, 1980.

An Act to amend the Returned Soldiers Settlement Act, 1916, for the purpose of statute law revision; and for certain other purposes. [Assented to, 26th March, 1980.]

Returned Soldiers Settlement (Amendment).

BE it enacted by the Queen'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 "Returned Soldiers Settlement Short title. (Amendment) Act, 1980".

2. The Returned Soldiers Settlement Act, 1916, is referred to Principal Act. in this Act as the Principal Act.

3. The Principal Act is amended in the manner set forth in Amendment of Act No. 21, 1916. Schedule 1.

4. Except in so far as a contrary intention appears, the Savings provision. amendments made by this Act do not affect the Returned Soldiers Settlement Regulations, 1916, as in force at the commencement of this Act and those Regulations shall be deemed to have been made under the Principal Act as amended by this Act.

5. (1) Where, before the commencement of this Act, any form Transitional provisions. was prescribed for the purposes of a provision of the Principal Act, that prescribed form shall continue to be used until the Minister has approved a form for the purposes of that provision.

(2) A reference in any other Act, or in any by-law, regulation or ordinance or in any other instrument or document, whether of the same or of a different kind or nature, to a form prescribed under the Principal Act, as in force before the commencement of this Act, shall be construed as a reference to the corresponding form (if any) approved under the Principal Act, as amended by this Act.

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Validation. **6.** (1) The amendment made by Schedule 1 (21) shall be deemed to have commenced on 1st November, 1974.

(2) Regulation 32 of the Returned Soldiers Settlement Regulations, 1916, as in force from time to time before the commencement of this Act shall be deemed to have applied to permissions to enclose roads or watercourses in respect of which the rent per annum as at the commencement of the Crown Lands and Other Acts (Amendment) Act, 1971, was \$6 or more in the same way as it applied to other permissions to enclose roads or watercourses.

Sec. 3.

SCHEDULE 1.**AMENDMENTS TO THE PRINCIPAL ACT.**

(1) Section 1—

Omit “1916.’ ”, insert instead “1916’.”.

(2) (a) Section 2 (1) (a)—

Omit “of Australia”.

(b) Section 2 (1)—

Omit “the said Commonwealth” wherever occurring, insert instead “the Commonwealth”.

Returned Soldiers Settlement (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 2 (3), (4)—

After section 2 (2), insert :—

(3) In this Act, except in so far as the context or subject-matter otherwise indicates or requires, “approved form” means a form approved by the Minister under subsection (4) for the purposes of the provision of this Act in relation to which the expression is used.

(4) The Minister may approve forms for the purposes of this Act.

(3) Sections 3, 3A—

Omit the sections.

(4) (a) Section 4 (1)–(7)—

Omit the subsections.

(b) Section 4 (8)—

Omit “And the said”, insert instead “The”.

(c) Section 4 (8)—

Omit “land aforesaid”, insert instead “land”.

(d) Section 4 (8)—

Omit “such board’s”, insert instead “the board’s”.

(e) Section 4 (10)—

Omit the subsection.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(f) Section 4 (11)—

Omit “six dollars per annum or, where some other amount is prescribed, such other”, insert instead “the prescribed”.

(5) (a) Section 4A (1)—

Omit “the last preceding section”, insert instead “section 4”.

(b) Section 4A (1) (e)—

Omit “fifteen equal”, insert instead “15 equal”.

(c) Section 4A (1) (e)—

Omit “one of”, insert instead “1 of”.

(d) Section 4A (1) (e)—

Omit “two and one-half per centum”, insert instead “2½ per cent”.

(e) Section 4A (1) (e)—

Omit “two or”, insert instead “2 or”.

(f) Section 4A (1) (e)—

Omit “one year”, insert instead “1 year”.

(g) Section 4A (1) (f)—

Omit “one month”, insert instead “1 month”.

Returned Soldiers Settlement (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(h) Section 4A (1) (g)—

Omit “five years”, insert instead “5 years”.

(i) Section 4A (1) (j)—

Omit “three months”, insert instead “3 months”.

(6) (a) Section 4B (1)–(6)—

Omit the subsections.

(b) Section 4B (6A)—

Omit “paragraph (b) of subsection one, and the provisions of subsection two of section three”, insert instead “section 3 (1) (b) and (2)”.

(c) Section 4B (6A)—

Omit “the said subsection two”, insert instead “section 3 (2)”.

(d) Section 4B (8), (9)—

Omit the subsections.

(e) Section 4B (11)—

Omit the subsection, insert instead :—

(11) The provisions of the Crown Lands Consolidation Act, 1913, relating to homestead farms shall govern homestead farms applied for in pursuance of this subsection, as in force before the commencement of the Returned Soldiers Settlement (Amendment) Act, 1980.

Returned Soldiers Settlement (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Sections 4C–4F—

Omit the sections.

(8) (a) Section 6 (1) (a)—

Omit “, form”.

(b) Section 6 (1) (d) (i)—

Omit the subparagraph.

(c) Section 6 (1) (e)—

Omit “1912, and any Act amending the same,”; insert instead “1912,”.

(d) Section 6 (1) (e)—

Omit “section four, section 4A, or section 4B hereof”, insert instead “section 4, 4A or 4B”.

(e) Section 6 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(9) Sections 7, 7A—

Omit the sections.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(10) (a) Section 7B—

Omit “Water Conservation and Irrigation Commission” wherever occurring, insert instead “Water Resources Commission”.

(b) Section 7B—

Omit “1902, or any amendments of those Acts”, insert instead “1902,”.

(c) Section 7B—

Omit “section two hundred and six, subsection two,”, insert instead “section 206 (2)”.

(d) Section 7B (a) (i)—

Omit “six months”, insert instead “6 months”.

(e) Section 7B (a) (ii)—

Omit “three months”, insert instead “3 months”.

(f) Section 7B (b)—

Omit “six months”, insert instead “6 months”.

(11) (a) Section 8 (1)—

Omit “Water Conservation and Irrigation Commission” wherever occurring, insert instead “Water Resources Commission”.

(b) Section 8 (1) (a) (i)—

Omit “six months”, insert instead “6 months”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 8 (1) (a) (ii)—

Omit “three months.”, insert instead “3 months; or”.

(d) Section 8 (1) (b)—

Omit “six months”, insert instead “6 months”.

(e) Section 8 (2) (a)—

Omit “five per centum”, insert instead “5 per cent”.

(f) Section 8 (2) (b)—

Omit “seven per centum”, insert instead “7 per cent”.

(g) Section 8 (2) (c)—

Omit “ten per centum”, insert instead “10 per cent”.

(12) Section 9 (1), (2)—

Omit the subsections.

(13) (a) Section 10 (1)—

Omit “Water Conservation and Irrigation Commission’s”, insert instead “Water Resources Commission’s”.

(b) Section 10 (1)—

Omit “; and except where the Minister or such Commission is satisfied that the settler is compelled by sickness of himself or family, financial difficulties or incapacity or other adverse circumstances, to leave his holding, it shall not be transferable (except by way of

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

mortgage or discharge of mortgage) until the expiry of five years from the date of the commencement of the lease or purchase”.

(c) Section 10 (5)—

Omit “five per centum”, insert instead “5 per cent”.

(d) Section 10 (5)—

Omit “prescribed form”, insert instead “approved form”.

(e) Section 10 (5)—

Omit “ten dollars”, insert instead “\$10”.

(f) Section 10 (6) (e)—

Omit “per centum”, insert instead “per cent”.

(g) Section 10 (6) (e)—

Omit “prescribed form”, insert instead “approved form”.

(14) Section 10c—

Omit “Commission”, insert instead “Water Resources Commission”.

(15) Sections 11–14—

Omit the sections.

(16) Sections 16, 17—

Omit the sections.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(17) (a) Section 18 (1)—

Omit the subsection, insert instead :—

(1) Where a restriction has, in pursuance of this section as in force before the commencement of the Returned Soldiers Settlement (Amendment) Act, 1980, been placed on a sale of Crown lands by auction, that restriction shall remain in force as if that Act had not been enacted.

(b) Section 18 (2)—

After “sales”, insert “, being lands subject to such a restriction”.

(18) (a) Section 19 (1B)—

Omit “four years”, insert instead “4 years”.

(b) Section 19 (1B)—

Omit “twelve months”, insert instead “12 months”.

(c) Section 19 (1c)—

Omit “subsection one of section 34L”, insert instead “section 34L (1)”.

(d) Section 19 (1c)—

Omit “Farmers’ Relief Act, 1932–1939,”, insert instead “Farmers’ Relief Act, 1932,”.

(e) Section 19 (2)—

Omit “three persons”, insert instead “3 persons”.

Returned Soldiers Settlement (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(f) Section 19 (2)—

Omit “one of such persons”, insert instead “1 of such persons”.

(g) Section 19 (2)—

Omit “one member”, insert instead “1 member”.

(h) Section 19 (2)—

Omit “one such board”, insert instead “1 such board”.

(19) Section 20—

Omit “section one hundred and eighteen, or section one hundred and twenty-four, or section one hundred and thirty”, insert instead “section 124 or 130”.

(20) (a) Section 21 (1) (b1)—

Omit “the first day of December, one thousand nine hundred and fourteen”, insert instead “1st December, 1914”.

(b) Section 21 (1) (b1)—

Omit “the first day of December next after”, insert instead “1st December next after”.

(c) Section 21 (1) (b3)—

Omit “the first day of September, one thousand nine hundred and twenty-five”, insert instead “1st September, 1925”.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 21 (1) (b3)—

Omit “the first day of September next after”, insert instead “1st September next after”.

(e) Section 21 (1) (b4)—

Omit “the first day of September, one thousand nine hundred and twenty-five”, insert instead “1st September, 1925”.

(f) Section 21 (1) (c)—

Omit “paragraph (a) or paragraph (b) of this subsection”, insert instead “paragraph (a) or (b)”.

(g) Section 21 (3)—

Omit “paragraphs (a) and (b) of subsection one of this section”, insert instead “subsection (1) (a) and (b)”.

(21) Section 24—

Omit the section, insert instead :—

Minimum
rent for
road or
watercourse
enclosures.

24. The rent payable per annum in respect of a permission to enclose a road or watercourse under this Act shall not be less than the prescribed amount.

(22) Section 25—

Omit the section.
