

## WAR SERVICE LAND SETTLEMENT ACT.

### Act No. 43, 1941.

An Act to make provision for and in relation to the settlement on the land of persons who are members or discharged members of His Majesty's naval, military or air forces, or who are discharged soldiers within the meaning of the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts; to extend certain concessions to such persons; and for purposes connected therewith. [Assented to, 8th October, 1941.]

George VI.  
No. 43, 1941.

**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:—

**1.** This Act may be cited as the "War Service Land Settlement Act, 1941." Short title.

**2.** (1) In this Act, unless the context or subject matter otherwise indicates or requires— Definitions.

"Classification committee" means the classification committee appointed under this Act.

"Commission" means the Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, as amended by subsequent Acts.

"Discharged member of the forces" means a person who is resident in the Commonwealth and who, having been a member of the forces has had his appointment terminated or has received his discharge; but does not include any person the termination of whose appointment or whose discharge was due to misconduct or incapacity resulting from his own default.

"Discharged

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“Discharged soldier” means a discharged soldier within the meaning of the Returned Soldiers Settlement Act, 1916, as amended by subsequent Acts.

“Irrigation Area” means an irrigation area constituted under the Murrumbidgee Irrigation Act, 1910, or the Irrigation Act, 1912, or the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902, or any of those Acts as amended by subsequent Acts.

“Member of the forces” means a person domiciled in Australia who is bound to continuous service as a member of His Majesty’s naval, military or air forces for the duration of the present war between His Majesty and Germany and her allies and who has agreed to serve beyond the limits of the Commonwealth and those of any territory under the authority of the Commonwealth.

“Prescribed” means prescribed by this Act or by the regulations.

“Regulations” means regulations made under this Act.

(2) Unless the context necessarily requires a different meaning, expressions defined in the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, shall bear the same meaning in this Act.

Areas may be set apart for selection by members or discharged members of the forces or discharged soldiers.  
cf. Act No. 21, 1916, s. 3.

**3.** (1) The Minister may, by notification published in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, or any of those Acts as amended by subsequent Acts, to be disposed of in accordance with this section under the Crown Lands Consolidation 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.

Any

Any notification under this section may be amended or revoked by the Minister by a notification published in the Gazette. No. 43, 1941.

“Minister” in this section in the case of lands within an irrigation area shall be read as Minister for Agriculture for the time being.

(2) Of the total number of farms, blocks or areas set apart to be disposed of as original holdings under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, or the Western Lands Act, of 1901, or any of those Acts as amended by subsequent Acts, during any year after the year one thousand nine hundred and forty-one the whole or any part of which is included in the period commencing on the date of commencement of this Act and terminating on the expiration of three years after the termination of the present war between His Majesty and Germany and her allies, at least fifty per centum shall, notwithstanding anything in any of those Acts, be set apart under this section.

(3) Any member of the forces, discharged member of the forces or discharged soldier who desires to apply for land set apart under this section shall first make application in the manner prescribed for a qualification certificate entitling him to apply for land so set apart. Qualifica-  
tion  
certificates.

Any such application shall be in or to the effect of the prescribed form.

(4) An application for any land set apart under this section shall be made in the form and manner prescribed. The applicant shall satisfy the local land board or the Commission, as the case may be, that a qualification certificate has been issued to him and the local land board or the Commission shall not confirm, allow, grant or recommend any application unless so satisfied. Applications  
for land by  
members or  
discharged  
members of  
the forces  
or discharged  
soldiers.

(5) Where any application under this section is, pursuant to section five of this Act, made on behalf of a member of the forces on service outside the Commonwealth, such member of the forces shall, for the purposes of this section, be deemed to be the applicant.

4. (1) The Minister may, for purposes of this Act, appoint a classification committee which shall consist of three members and shall appoint one of such members to be chairman of the committee. Classifica-  
tion  
committee.

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**No. 43, 1941.** One of such members shall be a discharged soldier or a discharged member of the forces.

Each member of the committee (other than a member who is an officer or employee under the Public Service Act, 1902, as amended by subsequent Acts) shall be paid such fee for each sitting of the committee at which he is present, as may be prescribed.

(2) The committee shall investigate the qualifications of every applicant for a qualification certificate under section three of this Act, and if satisfied that the applicant is a member of the forces, discharged member of the forces or discharged soldier and that he possesses the necessary experience and fitness to engage in farming or pastoral pursuits, it shall issue to him a qualification certificate; if not so satisfied, the committee may refuse to issue a qualification certificate.

A qualification certificate shall be in or to the effect of the prescribed form.

Where any such application is, pursuant to section five of this Act, made on behalf of a member of the forces on service outside the Commonwealth, such member of the forces shall, for the purposes of this section, be deemed to be the applicant.

Applications  
by parent or  
relative or  
other  
person.

**5.** (1) A parent or other relative or any person may, on behalf of a member of the forces on service outside the Commonwealth—

- (a) make application for any land available or set apart or which may be disposed of under the Crown Lands Consolidation Act, 1913, the Wentworth Irrigation Act, the Hay Irrigation Act, 1902, the Irrigation Act, 1912, the Closer Settlement Acts, the Prickly-pear Acts, 1924-1934, or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts or for any land set apart under section three of this Act;
- (b) make any other application or exercise any right, power or privilege under any of the Acts referred to in paragraph (a) of this subsection or under the Crown Lands (Amendment) Act, 1932, or the Public Roads Act, 1902, or the Water Act, 1912-1940, or the Returned Soldiers Settlement Act, 1916, or this Act, or any of those Acts as amended by subsequent Acts.

Any

Any application made pursuant to paragraph (a) of this subsection shall be made in the manner prescribed and shall be in or to the effect of the prescribed form. No. 43, 1941.

(2) The Minister or the local land board or the Commission, as the case may be, shall not entertain any application made or permit the exercise of any right, power or privilege in pursuance of this section unless satisfied that such application is made or that such right, power or privilege is being exercised in the interests of the member of the forces, and may require the parent, relative or other person to produce documentary proof that he is duly authorised to make the application or exercise the right, power or privilege on behalf of the member of the forces, and to furnish evidence by statutory declaration that he or she has not received any notice of revocation of such authority, by death or otherwise, and also to furnish a certificate from the appropriate Commonwealth authority that the member of the forces is on service outside the Commonwealth.

(3) In this section "Minister" means the Minister charged with the administration of the Act under which the application is made or the right, power or privilege exercised.

**6.** (1) Where a condition of residence attaches to a holding under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, and the holder of such holding is absent from his holding upon war service as defined in the Defence Act 1903, as amended by subsequent Acts, of the Parliament of the Commonwealth, such condition shall be deemed to have been complied with for the period of his war service.

Residence condition deemed to have been complied with.

When the war service of any such holder is or includes service outside the Commonwealth as a member of the forces such condition shall be deemed to have been complied with for a further period of six months after the termination of his war service.

(2) In the event of the death of a member of the forces any condition of residence attaching to any holding held by him at the time of his death shall, in the case of a holding other than a holding within an irrigation area, be deemed to have been completed, and in the case of

No. 43, 1941. of a holding within an irrigation area shall be waived for a period of twelve months or for such longer period as the Commission may allow.

Waiver or remission of interest or rent in certain cases.  
cf. Act No. 21, 1916, s. 14.

7. (1) Where application is made in that behalf the Minister may on the recommendation of the local land board waive or remit the payment of the whole or part of the interest upon any debt to the Crown incurred under or by operation of the Crown Lands Consolidation Act, 1913 (except Part VI thereof), the Closer Settlement Acts, the Returned Soldiers Settlement Act, 1916, the Prickly-pear Acts, 1924-1934, the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, or the whole or part of the annual rental or fee under any lease, permit or occupation license from the Crown made under or by operation of any of such Acts, due, payable, or paid to the Crown by or on behalf of a member of the forces during the period of his membership of such forces.

(2) Where application is made in that behalf the Commission may waive or remit the payment of the whole or part of—

- (a) the interest on any purchase money determined under the provisions of the Crown Lands Consolidation Act, 1913, or the Irrigation Act, 1912, or either of those Acts as amended by subsequent Acts, in respect of the purchase of land within an irrigation area;
- (b) the interest on any debt to the Rural Bank of New South Wales in respect of the purchase from the Crown or the Commission of improvements on land within an irrigation area;
- (c) the annual rental of any lease within an irrigation area,

due, payable, or paid to the Rural Bank of New South Wales by or on behalf of a member of the forces during the period of his membership of such forces:

Provided that no waiver or remission of interest or rental in respect of a holding under Part VI of the Crown Lands Consolidation Act, 1913, shall be granted except on the recommendation of the special land board.

(3) The Minister, or the Commission, as the case may be, shall have discretion to refuse any application under

under this section, which discretion shall be independent of the recommendation of the local land board or the special land board. No. 43, 1941.

8. Notwithstanding anything in any Act, a member of the forces, discharged member of the forces or discharged soldier who is an applicant for any land set apart under section three of this Act or for land available or set apart under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Prickly-pear Acts, 1924-1934, or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, and who is otherwise qualified to hold such land, shall not be disqualified by reason only that he has at any time previously obtained a title to or held any other land, if he no longer holds the same.

Previous holding not to disqualify in certain cases.  
cf. Act No. 21, 1916, s. 16.

9. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which, by this Act, are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2) Without prejudice to the generality of subsection one of this section the regulations may provide that any fee or deposit required to be lodged with any application under the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Prickly-pear Acts, 1924-1934, the Returned Soldiers Settlement Act, 1916, or the Western Lands Act of 1901, or any of those Acts as amended by subsequent Acts, or regulations thereunder, shall not be payable by or on behalf of a member of the forces or a discharged member of the forces or a discharged soldier.

(3) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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