

CLOSER SETTLEMENT (AMENDMENT) ACT.

Act No. 7, 1914.

An Act to authorise the purchase by the Minister of certain lands for settlement purchase; to make further provision for the disposal of land and improvements within settlement purchase areas; to confer and impose certain rights and liabilities on minors; to reduce the capital value of certain settlement purchases; to provide for the payment of interest on postponed instalments; to fix a date for the payment of instalments on settlement purchases; to enable the Minister to grant extension of time to pay instalments in certain cases; to amend the Closer Settlement Acts, the Closer Settlement Promotion Act, 1910, and other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 16th April, 1914.]

George V,
No. 7.

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:—

Short title.

1. This Act may be cited as the “Closer Settlement (Amendment) Act, 1914,” and shall be construed with the Closer Settlement Promotion Act, 1910, the Closer Settlement

George V, No. 7. Settlement Act, 1904, the Closer Settlement (Amendment) Act, 1906, the Closer Settlement (Amendment) Act, 1907, the Closer Settlement (Amendment) Act, 1909, and the Closer Settlement (Amendment) Act, 1912.

The five last-mentioned Acts are herein referred to as "the Closer Settlement Acts."

Applications under the Closer Settlement Promotion Act, 1910.

and applied for under Act of 1910 may be purchased by Minister and held by applicant as settlement purchase.

2. Where application is made under section three of the Closer Settlement Promotion Act, 1910, the Minister, instead of proceeding under that Act, may, with the vendor's consent, purchase such land at a price not exceeding that recommended by an advisory board and a valuer of the Government Savings Bank.

Lands so purchased by the Minister shall—subject to payment by the applicant to the Crown of the prescribed percentage of the purchase money by way of a deposit and survey fee or other fees and expenses—vest in and be held by the applicant as a settlement purchase, under the provisions of the Closer Settlement Acts. The amount of the purchase money paid by the Minister for each settlement purchase shall for the purposes of such Act be deemed to be the capital value of the settlement purchase.

How purchase money to be paid.

Payment of purchase-money or compensation.

3. Any purchases or resumptions of land under the Closer Settlement Acts, and any purchases under the last-preceding section, shall be paid for—

- (a) in cash, or with the concurrence of the owner, vendor, or mortgagee, by inscribed stock or Treasury bills; or
- (b) with the concurrence aforesaid, by certificate issued by the Minister, authorising the payment out of the Treasury of the amount of the purchase-money or compensation in such instalments, and bearing interest at such rate as may be therein specified. Such certificate shall be negotiable only with the consent of the Minister.

Any

Any sums payable in respect of such purchases or resumptions may be paid out of the Closer Settlement Fund: Provided that all revenue received from the land in connection with which such sums have been so paid shall be credited to the said fund.

George V,
No. 7.

After-auction sales.

4. Where any land within a settlement purchase area has been offered for sale by auction and not sold (whether such offering for sale was before or after the commencement of this Act) the Governor may grant such land at the upset prices thereof to any person who shall duly apply for the same.

After-auction
sale at upset
price.

The applicant shall with his application lodge a deposit of twenty-five per centum of the said upset price, and, if the application be approved by the Minister, shall pay the balance of the said price subject to such terms and conditions as were notified in the Gazette in connection with the aforesaid offering at auction; and upon default of the due payment thereof the contract for sale may be cancelled and any moneys paid may be forfeited by notification in the Gazette.

Permissive occupancies.

5. Section thirty-nine of the Closer Settlement Act, 1904, is hereby repealed, and the following is substituted for it:—

Repeal of s.
39 of Act of
1904.

39. The Minister may grant permits to occupy from month to month any lands within a settlement purchase area which remain undisposed of, subject to the following terms and conditions:—

Permits to
occupy lands
not sold.

- (a) The rent shall be as agreed between the Minister and the occupant, and shall be paid in advance to the Colonial Treasurer.
- (b) The occupant shall take care of and safeguard all improvements situated on the land he is permitted to occupy.
- (c) The occupant shall not allow more than the specified number of stock to graze upon the land.

(d)

George V,
No. 7.

- (d) The occupancy may be determined by the Minister giving the occupant or by the occupant giving the Under Secretary for Lands two weeks' notice in writing.
- (e) Any other conditions which the Minister may deem advisable.
- (f) If any of the conditions are not complied with, the Minister may, by any person whatsoever, at once enter into possession of the land, and such entry shall be conclusive proof of the non-observance of the condition. The occupant shall thereupon give up occupation of the land.
- (g) The permit to occupy shall not exempt the land from being acquired as a settlement purchase or otherwise under the Closer Settlement Acts. The occupancy of so much of the land as may be so applied for shall cease and determine from the date of any such application, and the rent shall be adjusted or any balance refunded as the case may be.

Sale or lease of forfeited settlement purchases.

Disposal of
forfeited land
when it
cannot be sold
as settlement
purchase.

6. If any land acquired under the Closer Settlement Promotion Act, 1910, is forfeited, and the commissioners are unable—within a reasonable time—to resell it upon acceptable terms as a settlement purchase, they may dispose of such land by sale or lease—either by auction or tender—upon such terms and conditions as the Minister may agree to. Any movable improvements on land forfeited and acquired as aforesaid may be disposed of in a similar manner, separately from the land.

Reference to the Land Appeal Court and rehearing by local land board.

Reference to
Land Appeal
Court.

7. (1) The Minister may refer any decision or recommendation of any local land board given or made under the Closer Settlement Acts before or after the commencement of this Act to the Land Appeal Court for determination in any case where he deems that further consideration is necessary or desirable. (2)

(2) Where the Minister considers that further consideration of any such decision or recommendation by the local land board, given or made before or after the commencement of this Act is necessary or desirable, he may return it to such board for such purpose, and such board may, with or without taking further evidence, uphold, reverse, alter, or amend its previous decision or recommendation as it may consider just.

George V,
No. 7.

Rehearing by
local land
board.

(3) Where, after such further consideration, the withdrawal of an application for a settlement purchase is permitted, the board may retain the whole or such portion of the deposit as may seem justifiable.

Retention of
part or whole
of deposit
upon
withdrawal.

Change of venue.

8. The Minister may from time to time direct any local land board to deal with any matter, question, or inquiry that has arisen under the Closer Settlement Acts, before or after the commencement of this Act, without regard to the land board district or land district in which the land forming the subject of such matter, question, or inquiry may be situated. And the said land board shall have as full power and jurisdiction to deal with the matter, and to come to a determination therein, as if the land aforesaid were situated within that board's proper land board district or land district.

Land boards
may be
authorised to
deal with
matters
outside their
own district.

Where before the commencement of this Act a local land board has, from inadvertence or otherwise, dealt with or determined any such matter, question, or inquiry, relating to land situated outside its land board district or land district, such dealing or determination shall be and be deemed to have been as valid as if such land were situated within the land board district or land district of such board.

Rights and liabilities of minors.

9. Any person between the ages of sixteen and twenty-one years who, before or after the commencement of this Act, has made or acquired, or shall make or acquire, a settlement purchase, and who during his ownership, either personally or by an agent, enters into any agreement for or in relation to the performance of any work or the rendering of any services on such settlement purchase or in relation thereto, or to the loan of money,

Rights and
liabilities of
minors.

George V,
No. 7.

money, or the sale or purchase of goods and chattels of any description whatsoever, or who in like manner enters into any agreement connected with the occupation, management, or general purposes of such settlement purchase not being in violation of the provisions of this Act or the Closer Settlement Act, 1904, or any Act amending the same, shall be subject to the same liabilities and have the same rights in respect of such agreement as if he were of the full age of twenty-one years.

*Reduction of the capital value of settlement purchases
(Boree Creek Estate).*

Value of
Boree Creek
Estate farms.

10. Whereas it is desirable and expedient that the capital values of the settlement purchases specified in column four of Schedule A hereto shall be reduced to the amounts specified in column five thereof, it is hereby enacted that the capital values of the said settlement purchases shall be deemed to be and to have been at the respective dates of application therefor, the amounts set out against each settlement purchase in the said column five.

The amounts lodged as deposits and paid as instalments in connection with such settlement purchases, exclusive of interest on such instalments, shall be applied in reduction of the purchase money, and no refund will be made of any sums so paid. The annual instalments of the balance of the purchase money and interest in respect of each settlement purchase mentioned therein shall be five per centum of the amounts set out in the said column five opposite to such settlement purchases.

Repeal.

Repeal of
sections of
previous
Acts.

11. The provisions of the hereinafter mentioned sections contained in the Closer Settlement Act, 1904, and the Closer Settlement (Amendment) Act, 1907, are hereby repealed, namely:—Sections five, six, seven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, and forty-one of the Closer Settlement Act, 1904, and section seventeen of the Closer Settlement (Amendment), Act, 1907.

Fulfilment

Fulfilment of the conditions of residence.

**George V,
No. 7.**

12. (1) Any person who is the holder of any holding, and who is living continuously thereon as his bona-fide home without any other habitual residence at the time of making or acquiring a settlement purchase may, with the consent of the local land board or the Minister, and subject to such conditions as may be agreed upon, carry out the condition of residence attached to such settlement purchase by residing on the holding first mentioned: Provided that the land so held and resided upon shall be within a reasonable working distance of such settlement purchase.

Residence may be fulfilled on other land.

(2) The word "holding" in this section shall mean and include any holding under the Crown Lands Acts, the Closer Settlement Acts, the Closer Settlement Promotion Act, 1910, and shall also include any freehold.

Definition of "holding."

Dedication of lands.

13. The Minister by notice published in the Gazette may and shall be deemed to have had the power to reserve or dedicate lands within a settlement purchase area—in such manner as may seem best for the public interest—for any purpose notified in the Gazette as a public purpose. Upon such notice being so published such lands shall become and be reserved or dedicated accordingly, and may at any time be granted in fee simple for such purpose.

Reservation or dedication of lands.

The Minister shall have the same powers of revocation of any such reservation or dedication as are conferred upon him by section twenty-five of the Crown Lands Consolidation Act, 1913, in respect to reservations and dedications of Crown lands.

Interest on postponed instalments.

14. Notwithstanding anything to the contrary in the Closer Settlement Acts, the debts incurred in respect of instalments on settlement purchases due prior to the first day of December, one thousand nine hundred and fourteen, and postponed under the provisions of section twenty-nine of the Closer Settlement Act, 1904, shall be computed

Interest on postponed instalments.

George V, computed up to the said day. Such debts shall be
No. 7. payable as provided by the said section twenty-nine,
 except that the interest in respect of the debts due on
 the first day of December, one thousand nine hundred
 and fourteen, shall be paid with the annual instalments
 on the first day of December each year or within three
 months thereafter. The interest on instalments due
 subsequently to the first day of December, one
 thousand nine hundred and fourteen, and postponed
 under the provisions of section twenty-nine of the
 Closer Settlement Act, 1904, shall be paid each year
 on the first day of December, or within three months
 thereafter.

Annual instalments on settlement purchases.

Annual
 instalments
 on settlement
 purchases.

15. Notwithstanding anything to the contrary in the
 Closer Settlement Acts, settlement purchasers, includ-
 ing settlement purchasers under the Closer Settlement
 Promotion Act, 1910, shall, on the first day of December,
 one thousand nine hundred and fourteen, have the
 option of—

- (a) paying interest on the balance of purchase
 money, at the rate charged on their settlement
 purchases up to the first day of December, one
 thousand nine hundred and fourteen, from the
 date when the then last annual instalment
 became due; or
- (b) failing payment of such interest before the first
 day of March, one thousand nine hundred and
 fifteen, having the same added without fine to
 the balance of purchase money owing on their
 settlement purchases.

Thereafter the annual instalments to be paid in respect
 of the settlement purchases shall be paid on the first
 day of December in each year, or within three months
 thereafter :

Provided that when a settlement purchase is made
 or acquired after the first day of December, one
 thousand nine hundred and fourteen, the settlement
 purchaser shall have a like option exercisable on the
 first day of December after the date of the settlement
 purchase application.

Extension

Extension of time to pay overdue instalments.

George V,
No. 7.

16. The Minister may grant extension of time to pay overdue instalments in respect of settlement purchases, including settlement purchases under the Closer Settlement Promotion Act, 1910, in any case where he is satisfied—

Extension of
time to pay
overdue
instalments.

- (1) that the holder of the settlement purchase is unable to pay such instalments; and
- (2) that the amount overdue, including any instalments postponed under the provisions of section twenty-nine of the Closer Settlement Act, 1904, and the amount of advances by way of mortgage, do not together exceed seventy-five per centum of the purchase money paid off the settlement purchase plus the value of the holders improvements as disclosed by the conditional purchase inspector's report last received.

The period allowed under any one extension shall not exceed five years; and during the period of any such extension interest on the amount of such overdue instalments at the rate of five per centum per annum shall be paid.

Amendment of the Closer Settlement Act, 1904.

17. The following amendments are made in the Closer Settlement Act, 1904:—

Amendments
of Act of
1904.

Section four—The definition of “Design plan” is omitted.

Section 4.

Section twenty-nine, subsection (b)—The words “improvement, cultivation, or otherwise” are substituted for the words “improvements and cultivation”

Section 29.

After the words “village or town” the words “and for that purpose the village or town need not have been proclaimed or notified as such” are inserted.

Section thirty-eight—“Minister” is substituted for “Governor”

Section 38.

Section fifty-three—The words “one month” are substituted for the words “fourteen days” wherever occurring.

Amendment
of Act of
1904, s. 5.

Amendment

Closer Settlement (Amendment) Act.

George V,
No. 7.

*Amendment of the Closer Settlement (Amendment)
Act, 1906.*

Amendment
of Act of
1906, ss. 7
and 8.

18. Section seven of the Closer Settlement (Amendment) Act, 1906, is amended by substituting the word "Minister" for the word "Governor."

Section eight is amended by omitting the words "and adjoining such land" and by inserting the words "or any part thereof" after the word "land" and before the word "added."

*Amendment of the Closer Settlement (Amendment)
Act, 1907.*

Amendment
of Act of
1907, s. 5.

19. Section five, subsection one, of the Closer Settlement (Amendment) Act, 1907, is amended by inserting the words "or within a radius of fifteen miles from the terminus thereof" next before the expression "being the property of one owner."

*Amendment of the Closer Settlement (Amendment)
Act, 1909.*

Amendment
of Act of
1909, s. 8.

20. Section eight of the Closer Settlement (Amendment) Act, 1909, is amended by the substitution of the words "age of sixteen years" for the words "age of eighteen years."

Section 19(1).

Section nineteen, subsection one, of the Closer Settlement (Amendment) Act, 1909, is amended by inserting the words "or within a radius of fifteen miles from the terminus thereof" next after the words "proposed railway."

Section 21.

In section twenty-one of the same Act the following amendments are made:—

Section 21(2).

Subsection two—the words "or the Closer Settlement Promotion Act, 1910," are inserted next after the word "Acts."

The words "a plan of subdivision showing" and the words "and shall be the design plan of the land" are omitted.

Subsection

Subsection three—The words “at any time and in any respect” are omitted. George V,
No. 7.

The words “any design plan” are omitted, and in lieu thereof the words “the areas and values of settlement purchases” are inserted. Amendment
of Act of
1909.
Section 21 (3).

The word “made” is omitted, and the word “approved” is inserted in lieu thereof.

The words “and also the Commissioners of the Government Savings Bank of New South Wales in the case of settlement purchases acquired under the Closer Settlement Promotion Act, 1910,” are inserted next after the word “owner.”

The words “Remnants of Crown lands within or adjoining settlement purchases acquired under the Closer Settlement Promotion Act, 1910, may, with the consent of the owners be added thereto on such terms and conditions as may be approved by the Minister” are inserted as a further paragraph after the words “shall be obtained.”

The words “according to the design thereof” are omitted.

The words “to approve of plans under the Crown Lands Consolidation Act, 1913,” are added at the end of the subsection.

Subsection five—The words “shall be notified for disposal under the design plan and” are omitted. Section 21 (5).

Subsection six—The words “or which in the opinion of the advisory board should be granted in exchange for other land,” are inserted next after the word “same.” The words “or exchange” are inserted next after the word “tender.” Section 21 (6).

*Amendments of the Closer Settlement Promotion Act,
1910.*

21. Section three of the Closer Settlement Promotion Act, 1910, is amended by substituting the word “cause” for the word “notify”; by inserting the words Amendment
of Act of
1910.
Section 3.

George V, words "to be notified" next after the word "com-
No. 7. missioners"; and by adding at the end of the section the following proviso:—

"Provided that for the purposes of this section the provision of paragraph (b) of section twenty-six of the Closer Settlement Act, 1904, shall not operate to disqualify an applicant merely on the ground that the land he desires to purchase is held by him as a tenant with a right of purchase."

Amendment Section four is amended by omitting the words "on
of Act of being satisfied" and by omitting paragraphs (a), (b),
1910. and (c).

Section 4.

Section 6.

Section six is amended by the addition of the words "not being less than three in number" after the words "remaining applicants."

Section 7.

Section seven is repealed, and the following is substituted therefor:—

7. The Minister, on being satisfied—

- (a) that the lands, the subject of such application, are suitable for settlement;
- (b) that the applicants are qualified as aforesaid; and
- (c) that such lands do not exceed a home maintenance area for each applicant,

may approve of the purchases, and upon such approval the vendor may surrender to the Crown the land agreed to be purchased, in order that the purchaser may acquire such land as a settlement purchase and obtain the advance from the commissioners as hereinafter in this Act provided.

Section 8.

Section eight: The following sentence is added at the end of subsection (d):—"The first instalment shall be paid at the end of the first year from the date of commencement of title, or within three months thereafter."

Section 12.

Section twelve is amended by adding at the end of the section the following proviso:—

"Provided that where the existence of useful improvements warrant it, the advance may be up to three thousand pounds; but in no case shall more than two hundred pounds be advanced on account of any dwelling-house on the land."

Section

Section fifteen: The following amendments are made:— **George V,
No. 7.**

The words “by such holder before or” are inserted next after the word “thereon” Amendment of Act of 1910, s. 15.

The words “provided that such improvements have not been taken into account by the advisory board and the commissioners when making the valuations specified in section four of this Act” are added at the end of the first paragraph.

Amendment of the Closer Settlement (Amendment) Act, 1912.

22. Section three: The words “the whole or any part of the area of any such lease being situated within fifteen miles of a then existing or duly sanctioned railway” are omitted. Amendment of Act of 1912, s. 3.

Section four, subsection three, is omitted, and the following subsection is inserted in lieu thereof:— Section 4 (3).

(3) After receipt of such notice of appeal the Minister shall refer the matter to the local land board to compute under this Act, and determine the amount of compensation to be paid to such holder. The determination of the local land board, subject to appeal to the Land Appeal Court, shall be final and conclusive.

Power to make regulations.

23. The Governor may exercise, for the purpose of carrying out the provisions of this Act, the powers of making regulations conferred upon him by section fifty-three of the Closer Settlement Act, 1904. Power to make regulations.

George V,
No. 7.

SCHEDULE.

Farm.	Name.	Settlement purchase number.	Capital value, including value of improvements.	
			4.	5.
1.	2.	3.	£ s. d.	£ s. d.
1	Brown, Thomas John Cairns...	1909/10	2,150 0 0 (£4 6s. per acre.)	1,987 10 0 (£3 19s. 6d. per acre.)
5	Lattin, Alfred Augustus ...	1909 2	2,349 2 3 (£4 5s. 6d. per acre.)	2,198 0 0 (£4 per acre.)
6	Brown, Charles Alexander ...	1909 9	2,683 17 8 (£4 9s. 6d. per acre.)	2,518 19 0 (£4 4s. per acre.)
8	Scott, Ernest James ...	1909 6	2,268 15 2 (£4 1s. 6d. per acre.)	2,129 11 5 (£3 16s. 6d. per acre.)
10	Peebles, John Alexander ...	1909 4	2,548 0 0 (£4 11s. per acre.)	2,422 0 0 (£4 6s. 6d. per acre.)
21	Hodges, Charles Cyril... ..	1909 8	2,440 6 0 (£4 12s. per acre.)	2,347 9 3 (£4 8s. 6d. per acre.)
23	Reedy, John	1909 7	2,096 16 3 (£3 19s. 6d. per acre.)	2,004 10 0 (£3 16s. per acre.)
27	Geppert, August	1909 1	2,575 15 8 (£4 7s. 6d. per acre.)	2,487 9 5 (£4 4s. 6d. per acre.)
30	Scott, Andrew Johnstone Hudson	1909 3	2,324 0 0 (£4 3s. per acre.)	2,198 0 0 (£3 18s. 6d. per acre.)