

**CLOSER SETTLEMENT AND PUBLIC RESERVES
FUND ACT.**

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 26, 1970.

An Act to constitute a Closer Settlement and Public Reserves Fund and to make provision for the application of that Fund; to repeal the Closer Settlement Fund Act, 1928; and for purposes connected therewith. [Assented to, 8th April, 1970.]

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. (1) This Act may be cited as the "Closer Settlement and Public Reserves Fund Act, 1970".

Short title
and com-
mencement.

(2)

Closer Settlement and Public Reserves Fund.

No. 26, 1970 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeals. 2. An Act specified in the First Column of the Schedule to this Act is, to the extent specified opposite that Act in the Second Column of that Schedule, hereby repealed.

Interpretation. 3. In this Act, unless the context or subject matter otherwise indicates or requires—

“Closer Settlement Fund” means the Closer Settlement Fund and the Closer Settlement Account closed by subsection one of section four of this Act.

“Closer Settlement and Public Reserves Fund” means the Closer Settlement and Public Reserves Fund established by subsection one of section four of this Act.

“Public reserve” means land set apart, dedicated, reserved, granted, or held for any public purpose under any Act administered by the Minister for Lands, or for showground, and includes land to which the provisions of the Public Parks Act, 1912, apply.

Closure of Closer Settlement Fund and establishment of Closer Settlement and Public Reserves Fund. 4. (1) The Closer Settlement Fund and the Closer Settlement Account constituted in pursuance of the Closer Settlement Fund Act, 1928, shall be closed, and in lieu thereof there shall be established and kept at the Treasury an account in Special Deposits Account to be called the Closer Settlement and Public Reserves Fund.

(2)

Closer Settlement and Public Reserves Fund.

(2) In the construction of and for the purposes of any Act other than this Act, by-law, regulation, or any other instrument or document whatsoever of the same or a different kind a reference to the Closer Settlement Fund shall be read and construed as a reference to the Closer Settlement and Public Reserves Fund.

(3) Any moneys which, but for this Act, would have been payable into the Closer Settlement Fund and which, by the operation of this Act, are not required to be paid into the Closer Settlement and Public Reserves Fund shall on and after the commencement of this Act be payable into the Consolidated Revenue Fund.

5. There shall be paid into the Closer Settlement and Public Reserves Fund—

(a) the balance at the credit of the Closer Settlement Fund immediately before the commencement of this Act;

(b) all moneys received towards payment—

(i) of purchase moneys, rent and any interest in respect of sales, purchases, leases and occupancies under the Closer Settlement Acts;

(ii) for improvements on lands disposed of under the Closer Settlement Acts, including interest, if any;

(iii) of purchase moneys and any interest in respect of soldiers' group purchases under the Returned Soldiers Settlement Act, 1916;

(c) all moneys received towards repayment of advances made in connection with the Returned Soldiers Settlement Act, 1916;

(d)

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into Closer
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- (d) any fee paid, whether before or after the commencement of this Act, under the provisions of subparagraph (iii) of paragraph (k) of section 129B or subsection six of section two hundred and seventy-two of the Crown Lands Consolidation Act, 1913, subsection four of section thirty-one of the Closer Settlement Act, 1904, or subsection five of section ten of the Returned Soldiers Settlement Act, 1916, as a prior requirement to the issue of a certificate that the restrictions on transfer imposed by those Acts shall not apply to certain land;
- (e) all moneys provided by Parliament—
- (i) for the purchase or acquisition of land for the purposes of the Closer Settlement Acts and for the subdivision, maintenance, development and improvement of and all works in connection with lands available for disposal or disposed of under the Closer Settlement Acts;
 - (ii) for the purchase or acquisition of land for public reserves and for the maintenance, improvement or development of public reserves;
- (f) any other moneys received under any Act in which it is provided that such moneys shall be paid into the Closer Settlement and Public Reserves Fund;
- (g) repayments (including interest) of loans or advances made by the Minister to trustees of public reserves, whether such loans or advances were made before or after the commencement of this Act;
- (h) repayments of fire insurance premiums paid out of the Closer Settlement Fund or the Closer Settlement and Public Reserves Fund.

Closer Settlement and Public Reserves Fund.

6. (1) No money shall be paid out of the Closer Settlement and Public Reserves Fund except under the authority of this Act. No. 26, 1970

Payments
out of
Closer
Settlement
and Public
Reserves
Fund.

(2) All moneys provided to the Closer Settlement and Public Reserves Fund by Parliament shall, if provided for any specific purpose, be expended for that purpose and not otherwise.

(3) Subject to subsection two of this section there may be paid out of the moneys in the Closer Settlement and Public Reserves Fund, other than the moneys referred to in subsection four of this section—

- (a) the cost of the purchase or acquisition of land for the purposes of the Closer Settlement Acts;
- (b) the cost of subdivision, maintenance, development and improvement of and all works in connection with lands available for disposal or disposed of under the Closer Settlement Acts;
- (c) the cost of the purchase or acquisition of land required for public reserves;
- (d) the cost of the maintenance, improvement or development of public reserves, by way of direct expenditure or by way of grants, loans or advances to the trustees of such reserves or fire insurance premiums in respect of improvements on public reserves;
- (e) to the Treasurer, such amounts as the Treasurer may from time to time determine in respect of the loan liability of the Minister in respect of any amount provided by Parliament—
 - (i) before the commencement of this Act—for the purposes of the Closer Settlement Acts and the Returned Soldiers Settlement Act, 1916 (either by way of the Closer Settlement Fund or otherwise) or loans to trustees of public reserves; or

(ii)

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- (ii) after the commencement of this Act—to the Closer Settlement and Public Reserves Fund;
- (f) fire insurance premiums in respect of improvements on lands purchased or acquired, or in course of purchase or acquisition, or otherwise available for disposal under the Closer Settlement Acts, whether such lands have been or are so disposed of or not;
- (g) incidental expenses and such administrative costs as may be determined by the Treasurer in relation to the matters in respect of which moneys are payable out of the Fund.

(4) There may be paid out of such of the moneys in the Closer Settlement and Public Reserves Fund as are equivalent to the amount at the credit of the Closer Settlement Fund immediately before the commencement of this Act for the purpose of paying claims on the Assurance Fund under the Real Property Act, 1900, any claims on such Assurance Fund: Provided that so far as such moneys in the Closer Settlement and Public Reserves Fund are insufficient to meet any such claims they shall be paid out of the Consolidated Revenue Fund.

(5) In determining the loan liability of the Minister for the purposes of paragraph (e) of subsection three of this section the provisions of section four of the Capital Debt Charges Act, 1957, shall apply, *mutatis mutandis*, as if the Minister were an authority to whom that Act applied.

Repayment
of fire
insurance
premiums.

7. Any fire insurance premiums paid out of the Closer Settlement and Public Reserves Fund in respect of improvements on a public reserve shall on demand be repaid by the trustees of that public reserve and in respect of improvements on any land disposed of under the Closer Settlement Acts and not being a public reserve shall on demand be repaid by the person who is the holder of such land.

Any premiums not so repaid upon demand made therefor may be recovered as a Crown debt in any court of competent jurisdiction.

8.

Closer Settlement and Public Reserves Fund.

8. The Capital Debt Charges Act, 1957, is amended by No. 26, 1970 omitting from the Schedule the words—

1st July, 1956 .. The Minister of the Crown administering the Closer Settlement Fund Act, 1928. .. Closer Settlement Fund Act, 1928, as amended. .. Amendment of Act No. 1, 1957, Schedule.

SCHEDULE.

Sec. 2.

First Column.		Second Column.
No. and Year of Act.	Short Title.	Extent of Repeal.
No. 26, 1902.	Audit Act, 1902. ..	Paragraph (f) of section fifty-seven. Paragraph (g) of subsection one of section fifty-eight.
No. 37, 1904.	Closer Settlement Act, 1904.	Section forty.
No. 74, 1912.	Closer Settlement (Amendment) Act, 1912.	Section six.
No. 53, 1916.	Closer Settlement (Amendment) Act, 1916.	The proviso "Provided that any amounts received as rent for such suburban holdings shall be credited to the Closer Settlement Fund." in section nine.
No. 38, 1928.	Closer Settlement Fund Act, 1928.	The whole.

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