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No. , 1916.

A BILL

To amend the law relating to Closer Settlement; for the acquisition of private land to be held under closer settlement conditions, and to repeal the Closer Settlement Promotion Act, 1910; to amend the Government Savings Bank Act, 1906, and the Acts relating to closer settlement; and for other purposes.

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:—

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427—A (6)

PART

PART I.

Short title.

Short title. **1.** This Act may be cited as the "Closer Settlement (Amendment) Act, 1916," and shall be construed with the Closer Settlement Acts. 5

Definitions.

Definitions. **2.** In this and in any other Act—
 "Closer Settlement Acts" means the Closer Settlement Act, 1904, and any Acts now passed or hereafter to be passed amending that Act. 10
 "Closer Settlement Debentures" means New South Wales Closer Settlement Debentures issued by the Governor under the Closer Settlement (Amendment) Act, 1914, as amended by Part II of this Act. 15

PART II.

AMENDMENT OF CLOSER SETTLEMENT ACTS.

Purchase of certain leases.

3. (1) The following new section and short heading are inserted next after section four of the Closer Settlement (Amendment) Act, 1912 :— 20

Power to purchase leases.

4A. Where any such advisory board reports to the Minister that any land, being the whole or part of the land comprised in an improvement lease or scrub lease granted under the Crown Lands Acts, or a lease granted under section eighteen of the Crown Lands Amendment Act, 1903, is suitable to be acquired for closer settlement, it shall be lawful for the Minister to purchase by agreement with the lessee the said lease of such land: Provided that the purchase money to be paid to the lessee shall not exceed the advisory board's valuation of the lessee's 25 30

lessee's interest in the lease of the land and in the improvements thereon: Provided further that in any case where the purchase money agreed upon exceeds fifteen thousand pounds the purchase shall be subject to the approval of Parliament expressed by resolutions passed by both Houses of Parliament.

(2) Section five of the same Act is amended by inserting the words "or purchased" next after the word "resumed" and by omitting the words "by the Crown"

(3) Section six of the same Act is amended by inserting the words "or purchase" next after the word "resumption".

4. The following is added to section five of the same Act:—

"Where at the time of such resumption or purchase the land leased is bona fide under sublease by the Crown lessee, the sublessee shall be deemed to have attorned to and become the tenant of the Minister on the terms of the sublease.

"At any time during the currency of any such sublease the Minister may, on such conditions as he thinks fit, allow any person a preferential right to apply for a settlement purchase or a holding under the Crown Lands Consolidation Act, 1913," of any land included in such sublease.

Where land is subleased by Crown lessee.

Payment for land purchased or resumed.

5. Section three of the Closer Settlement (Amendment) Act, 1914, is hereby repealed and the following sections are substituted for it:—

Provided that such repeal, so far as it relates to the words "Such certificate shall be negotiable only with the consent of the Minister", shall be deemed to have taken effect from the commencement of the Closer Settlement (Amendment) Act, 1914.

3. (1) Any purchase or resumption of land under the Closer Settlement Acts, and any purchase under the last preceding section, shall be paid for—

(a) in cash; or

(b)

Amendment of Act of 1914.

Payment for purchases and resumptions.

Closer Settlement (Amendment).

(b) with the concurrence of the owner, vendor or mortgagee, by closer settlement debentures issued as hereinafter provided.

(2) Any certificate which has been issued by the Minister before the commencement of the Closer Settlement (Amendment) Act, 1916, under section three of the Closer Settlement (Amendment) Act, 1914, repealed by the first-mentioned Act, may, on application, be converted into Closer Settlement Debentures. 5 10

(3) All revenue received from land in connection with which payments are made in cash or by closer settlement debentures as aforesaid shall be paid into the Closer Settlement Fund.

3A. The Governor may issue debentures secured on the Closer Settlement Fund, or if the amount at credit of the Closer Settlement Funds at any time is insufficient, upon the Consolidated Revenue Fund, and bearing interest at a rate not exceeding five per centum per annum. 15 20

Any such debentures shall be styled "New South Wales Closer Settlement Debentures."

The debentures aforesaid may be issued at such times and for such amounts and for such currency as may be directed by the Governor. 25

All such debentures shall be numbered consecutively, beginning with number one and progressing arithmetically by units, and shall be signed by—

The Colonial Treasurer, 30
The Minister for Lands,
The Under Secretary for Finance and Trade,
and,
The Auditor General.

The principal moneys for which such debentures may be made out shall be chargeable on and payable out of the Closer Settlement Fund or the Consolidated Revenue Fund, on the maturing of such debentures. 35

The interest on such debentures shall be chargeable on and payable out of the Closer Settlement Fund. 40

Costs.

Costs.

6. (1) Section twenty-two of the Closer Settlement Act, 1904, is amended by adding the following proviso at the end of the section:—

Costs of proceedings for resumption, s. 22.

5 “Provided that the total amount of such costs shall not in any case exceed fifty pounds.”

(2) Subsection two of section twenty-nine of the same Act (added to that section by section seven of the Closer Settlement Amendment Act, 1909) is amended by omitting the words “of four per centum per annum” and inserting in lieu thereof the words “payable in respect of the balance of purchase money.”

Interest, s. 29 (2).

Lands may be disposed of as suburban holdings.

7. Notwithstanding anything to the contrary in the Closer Settlement Acts, 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 Minister may set apart such land for disposal as suburban holdings under and subject to the provisions of the Crown Lands Consolidation Act, 1913: Provided that any amounts received as rent for such suburban holdings shall be credited to the Closer Settlement Fund.

Land not sold may be set apart as suburban holdings.

Good faith required of applicant.

25 8. (1) Every application for a settlement purchase is hereby required to have been and to be made in good faith; and an application shall be taken to have been and to be made in good faith when the sole object of the applicant in making the application was, or is, to obtain the land in order that he may hold and use it for his own exclusive benefit.

Good faith of applicant.

The local land board in dealing with an application for a settlement purchase shall refuse the same unless it is satisfied that the application was or is made in good faith, but shall not refuse any application as not having

having been made in good faith merely because the applicant has been or is to be assisted financially in connection with such holding by a parent of such applicant.

Where the local land board, in dealing with any such application, is satisfied that the same has been made otherwise than in good faith, it may declare that any moneys lodged with such application shall be forfeited to the Crown, and the same shall be forfeited accordingly. 5

(2) Where an application for a settlement purchase has been allowed whether before or after the commencement of this Act, and it appears to the satisfaction of the local land board— 10

(a) that the application was not made in good faith; or 15

(b) that the land is not held or used for the exclusive benefit of the purchaser or apparent owner thereof—

such settlement purchase, together with all moneys paid in respect thereof, shall be liable to be forfeited. 20

The allowing of stock not owned by the holder of the land to depasture thereon without having first obtained the Minister's consent thereto shall be *prima facie* evidence that the land is not so held or used.

Naturalisation of alien applicants and holders. 25

9. (1) A person who is not a natural-born or naturalised subject of His Majesty shall not be qualified to apply for a settlement purchase unless he has resided in New South Wales for one year, and unless at the time of making such application he lodges a declaration of his intention to become a naturalised subject of His Majesty within five years from the time of making such declaration. If such person fails to become a naturalised subject within the period aforesaid, he shall absolutely forfeit all land the subject of his application. 30 35

(2) Nothing contained in the Closer Settlement Acts shall prejudice the rights of any of the subjects of a foreign power between which and the United Kingdom of

of Great Britain and Ireland there is now subsisting, or may hereafter subsist, any treaty of commerce whereby the reciprocal civil rights of the subjects of such treaty powers are reserved, granted, or declared, and which
5 treaty is or may hereafter be applicable to the State of New South Wales.

Revocation of reservations.

10. Section twenty-one of the Closer Settlement Amendment Act, 1909, is amended by adding the
10 following at the end of the section :—“Such setting apart shall have the effect of revoking any reservation so far as it applies to any land within the boundaries of the land so set apart, unless the contrary is expressly declared in the notification setting apart the land.
15 Such revocation shall take effect on the last hour of the day next preceding the day upon which the land becomes available for disposal.”

Forfeiture.

11. Section thirty-six of the Closer Settlement Act, 1904, is amended by substituting the word “Minister”
20 for the word “Governor” in that section.

After-auction sales.

12. Section four of the Closer Settlement (Amendment) Act, 1914, is amended as follows :—
25 (a) omit “for sale by auction” and insert the words “for sale or for lease by auction or tender”
(b) After “grant” insert the words “or the Minister may lease”

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Regulations.

13. The Governor may make regulations not inconsis-
tent with this Part of this Act prescribing all matters
which by the said Part are required or permitted to be
prescribed, or which are necessary or convenient to be
35 prescribed, for giving effect to this Part of this Act.
Such regulations shall, upon being published in the Gazette, be good and valid in law : Provided

Provided that a copy of all such regulations shall be laid before both Houses of Parliament within one month from the publication thereof if Parliament be then in session, or otherwise within one month after the commencement of the next ensuing session.

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PART III.

CLOSER SETTLEMENT PROMOTION.

Commencement of Part.

Commence-
ment of
Part.

14. This Part of this Act shall commence and come into operation on a date to be proclaimed by the Governor and published in the Gazette.

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Repeals.

Repeals.

15. The Closer Settlement Promotion Act, 1910, and section two of the Closer Settlement (Amendment) Act, 1914, are hereby repealed.

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Applications to Minister to acquire private lands.

Applications
to Minister to
acquire lands.

16. (1) Any three or more persons who are qualified to make and to hold settlement purchases and who desire to purchase from the same owner any private lands may, upon entering into agreements for that purpose with such owner, apply to the Minister to acquire the said lands under and subject to the provisions of this section.

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The land which any one of such persons so desires to purchase shall not exceed in value two thousand five hundred pounds, unless there are useful improvements on the land, in which case the land and improvements may be of a value not exceeding three thousand pounds, but no more than two hundred pounds shall be allowed as the value of any dwelling-house on the land.

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(2)

(2) Such agreements and applications shall be in the prescribed form, and each such application shall be accompanied by the prescribed fee :

(3) Provided that for the purposes of this section the provisions 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.

10 **17.** The Minister may cause a valuation of such lands to be made by an advisory board.

18. If the amount of the valuation by the advisory board is less than the price fixed in the agreement, the agreement shall, after the expiration of such period as may be prescribed by regulation, stand rescinded as to such land, unless in the meantime the vendor agrees to reduce the price to the amount of the valuation, or the parties, with the consent of the Minister given on the recommendation of the advisory board, confirm the agreement with or without any alteration.

19. Where in any such application the number of the original applicants is for any cause reduced, the application may, with the consent of the Minister, be proceeded with as to the remaining applicants, not being less than three in number.

Any other duly qualified person may, with the consent of the Minister, be substituted for any original applicant.

Purchase of land by Minister.

30 **20.** (1) Where application is made under section thirteen, 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 with the concurrence of the vendor purchase such land at a price not exceeding that recommended by the advisory board.

Payment for
land.

(2) Any purchase of land under this section shall be paid for—

- (a) in cash ; or
- (b) with the concurrence of the owner, vendor, or mortgagee by closer settlement debentures.

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Vesting in applicant.

Vesting of
land in
applicant.

21. (1) On such purchase being made by the Minister, and on the payment by the applicant to the Crown of the prescribed percentage of the purchase money by way of a deposit, and the survey fee or other fees and 10 expenses, the land so purchased shall vest in the Crown and be held by the applicant as a settlement purchase under and subject to the provisions of the Closer Settlement Acts.

The amount of the purchase money paid by the Minister 15 for each settlement purchase shall, for the purposes of such Acts, be deemed to be the capital value of the settlement purchase.

Allowance by
land board
not necessary.

(2) Allowance by a local land board shall not be necessary to the title to the settlement purchase, which 20 shall commence on the date that the vendor conveys to the Minister.

Transfer of securities and moneys.

Transfer to
Minister of
securities by
Savings Bank
under Act
of 1910.

22. All mortgages and securities held by the Government Savings Bank under the Closer Settlement 25 Promotion Act, 1910, and all powers, rights, and claims at law or in equity possessed by or vested in the said bank under the said Act shall, by virtue of this Act pass to and become vested in the Minister on behalf of His Majesty and be deemed and taken to be his property as 30 if the right or title thereto had originally been vested in him.

Any person who now is or may hereafter be indebted in any sum of money in respect of any such mortgage or security shall pay such sum into the Treasury, and 35 the

Closer Settlement (Amendment).

the same may be recovered by the Colonial Treasurer as a Crown debt. Moneys so paid or recovered shall be credited to the Closer Settlement Fund.

Any right of action accrued to and any mortgage or security given to the said bank may be enforced by the Minister in his name as if the right of action had originally accrued to or the mortgage or security had been given to him.

23. The Commissioners of the Government Savings Bank shall render to the Minister an account showing the amount owing as purchase money, interest, or otherwise by each settlement purchaser whose title has been acquired under the Closer Settlement Promotion Act, 1910, and the total amount thereof shall be paid to the said commissioners by the Minister. Such payment shall be made by Closer Settlement Debentures, bearing interest at a rate, and issued for such currency as may be agreed upon between the Minister and the commissioners. Such debentures shall be regarded as the property of the Savings Bank Department, and the commissioners shall upon receipt thereof cancel a corresponding amount of debentures issued by the Advance Department, and held by the Savings Bank Department.

Payment to Savings Bank in respect of moneys owing under Act of 1910.

24. The Commissioners of the Government Savings Bank shall pay to the Closer Settlement Fund any amount which at the coming into operation of this Part of this Act is at credit of the Closer Settlement Reserve Fund in the Government Savings Bank.

Payment of Reserve Fund in Bank to Closer Settlement Fund.

Suspension of proclamation under Act of 1907.

25. Where any land covered by a proclamation under section four or section five of the Closer Settlement (Amendment) Act, 1907, is the subject of an application under section thirteen of this Act the Minister may, in his discretion, notify in the Gazette that the power of resumption under the Closer Settlement Acts shall be suspended for any period not exceeding two years as to the whole or any part of the land covered by the proclamation.

Suspension of proclamations under Act of 1907.

Upon

Upon such notification being so made no resumption under the Closer Settlement Acts of the land referred to therein shall be lawful until after the expiry of the period of suspension named in such notification.

Statement to be laid before Parliament.

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Statement of
lands
acquired.

26. The Minister shall from time to time cause to be laid before both Houses of Parliament statements of the lands acquired by him under this Part of this Act.
