

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1918.

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## A BILL

To amend the Closer Settlement Acts, the Closer Settlement Promotion Act, 1910, the Government Savings Bank Act, 1906, and the Acts amending those Acts; and for purposes consequent thereon or incidental thereto.

[MR. ASHFORD;—

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**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:—

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PART I.

PRELIMINARY.

**1.** This Act may be cited as the "Closer Settlement (Amendment) Act, 1918," and shall be construed with the Closer Settlement Acts, and the Closer Settlement Promotion Act, 1910. Short title.

*The Under-Secretary may deal with certain matters on behalf of the Minister.*

**2.** The Under-Secretary shall have power on behalf of the Minister to deal with such matters as may from time to time be prescribed; and, where in pursuance of this section a decision is given by the Under-Secretary on behalf of the Minister it shall have the same effect as if given by the Minister in person.

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PART II.

AMENDMENT OF CLOSER SETTLEMENT ACTS.

*Subdivision of settlement purchases.*

**3.** The holder of any settlement purchase may make application to the Minister for the subdivision of his holding into two or more portions. The application shall be made in the prescribed manner, and be accompanied by the prescribed deposit, which shall be available towards the payment of the costs of any survey or reports which may be required. Amendment of Closer Settlement Act.

The Minister may grant, refuse, or modify any application under this section.

Each portion of a subdivided settlement purchase shall, subject to regulations hereunder, be held and transferable as a separate settlement purchase, and shall continue to be held, subject to all of the conditions unperformed at the date of subdivision.

*Implied*

*Implied covenants in mortgages.*

**4.** The Governor may also make regulations prescribing that in every mortgage effected in connection with settlement purchases other than mortgages given to the commissioners of the Government Savings Bank of New South Wales there shall be implied against the mortgagor certain covenants and powers which may be negatived or modified with the consent of the Minister for Lands by expressed declaration in the mortgage or by endorsement on such mortgage, and any such covenant unless negatived or modified as aforesaid shall be as binding as if recited in the mortgage.

**5.** Land acquired under the Closer Settlement Acts and the Closer Settlement Promotion Act, 1910, shall be exempted from occupation under any miner's right or business license.

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

Section twenty-nine, subsection one : In paragraph (b) the word "ten" is omitted, and the word "five" inserted in lieu thereof.

Subsection two : The words "In either case the postponement of any such payment shall, unless the Minister otherwise determines, be on condition that improvements to the value of the amount of any instalment, the payment of which has been postponed, shall be made on the land within twelve months after the date of the postponement. Such postponement shall also be subject to such other conditions as the Minister may impose. The improvements aforesaid shall be in addition to those required by the Principal Act or any Act amending the same" are omitted, and the words "In either case the postponement of any such payment shall be on conditions (if any) which may be determined by the Minister" are inserted in lieu thereof.

Section

Section thirty: After the words "settlement purchase" (secondly occurring), the words "except where the settlement purchase already held by such person is less than a home maintenance area. In such case the holder may acquire a second settlement purchase if in the opinion of the Minister the combined area does not substantially exceed a home maintenance area. In no case shall the notified or agreed capital value of the settlement purchases to be held by any one person exceed three thousand five hundred pounds" are inserted. After the word "mortgage" in proviso (1) the words "nor to settlement purchases acquired as additional areas" are inserted.

The following new section is inserted next after section thirty-five:—

35A. The chairman shall have power on behalf of a local land board to deal with matters of the following kinds:—

Inquiries as to performance of conditions,  
Certificates of conformity—and

Such other matters as may from time to time be prescribed.

The chairman may deal with any such matters as aforesaid not sitting in open Court at any convenient place within any land district under his jurisdiction by granting the application or deciding in favour of the party concerned.

The chairman may also in open Court in any such place deal with any such matters either by granting, refusing, modifying, or varying the application, or deciding in favour of or against the party concerned.

Section thirty-eight: The following is added at the end of the section:—

"The Minister may alter or cancel any such notification or design, but no alteration or cancellation shall be carried into effect until the expiration of three months after the publication in the Gazette and the local newspapers of the notice of the intention to effect such alteration or cancellation: " Provided

“ Provided always that where it is intended to alter or cancel the design of any town in which allotments or portions have been sold, notice of such intention and of the nature of the proposed alteration or cancellation shall be published in the Gazette and in some local newspaper; and the local land board shall thereafter assess the loss, if any, of value which may be suffered by the holder of any allotment or portion if the proposed alteration or cancellation is carried into effect; and if the intention to alter or cancel the design is afterwards carried into effect the sum assessed by the local land board shall be the total sum payable by way of compensation to the said holder and all persons claiming under or through him, and such holder and all persons claiming under or through him shall be barred of any action or suit in respect of the alteration or cancellation of the design or the carrying out thereof other than an action for the sum so assessed as aforesaid :

“ And further provided that compensation for loss of value shall be assessed only in cases where the alteration or cancellation of design if carried into effect will deprive the said holder of access from his allotment or portion to the nearest street or road.

“ Every alteration or cancellation of the design of any town shall be notified in the Gazette.”

Section forty-six : The words “ upon a reference made for that purpose by the Minister ” are omitted and the following words are inserted in lieu thereof :—“ Upon the matter being brought before it by the district surveyor such determination shall constitute a permit under this section, and the local land board shall have power to direct that gates or suitable substitutes shall be erected as provided by this section.”

**7.** The following amendment is made in the Closer Settlement (Amendment) Act, 1906 :—

Section three, subsection two: At the end of the subsection the following words are inserted :—

“The Minister may in like manner grant a preferential right to any holder of land which in the opinion of the Minister is not sufficient for a home maintenance area to apply for a settlement purchase within a reasonable working distance of the land already held by the applicant.”

**8.** The following amendments are made in the Closer Settlement (Amendment) Act, 1907 :—

Section four, subsection three: The word “acquire” is omitted and the words “consider the advisableness of acquiring” are inserted in lieu thereof.

Section five: The word “acquire” is omitted and the words “consider the advisableness of acquiring” are inserted in lieu thereof.

**9.** The following amendments are made in the Closer Settlement (Amendment) Act, 1914 :—

Section five is repealed, and the following is substituted for it :—

5. The Minister may grant permits to occupy any acquired land or land within a settlement purchase area which remains undisposed of, upon such terms and conditions as to him may seem fit.

Subsection one of section twelve is repealed, and the following is substituted for it :—

12. (1) Where a person is the holder of a settlement purchase and a holding of any tenure under the Crown Lands Consolidation Act, 1913, within a reasonable working distance of each other, and a condition of residence attaches to either or both of such holdings, he may, where the aggregate area held by him does not in the opinion of the local land board exceed a home maintenance area, with the consent of the local land board, and subject to such

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such conditions as such board may impose, perform the condition or conditions of residence by residing on one of such holdings.

Section thirteen : The words "within a settlement purchase area" are omitted, and the words "acquired under the Closer Settlement Acts" are inserted in lieu thereof.

*Reduction of term of residence to five years.*

**10.** Not more than five years' residence shall attach or shall be deemed to have attached to any settlement purchase whether such settlement purchase was applied for before or after.

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PART III.

CLOSER SETTLEMENT PROMOTION.

**11.** The following amendments are made in the Closer Settlement Promotion Act, 1910 :—

Section three : The word "three" is omitted and the word "one" inserted in lieu thereof.

At the end of the first paragraph insert :—  
" Provided that in any case the estate from which such person or persons desire to purchase shall in the opinion of an advisory board be sufficient for two home maintenance areas :  
Provided also that an application shall not be allowed where the owner of the land and the persons desiring to purchase stand in the relationship of parents and children, or brothers and sisters."

At the end of the third paragraph the words "or is held by him under a contract or agreement to purchase" are inserted.

Section six : Omit "not being less than three in number."

*Land*

*Land being purchased on terms from private vendors may be brought under the Closer Settlement Promotion Act.*

**12.** Where before the commencement of this Act any person has entered into a contract or agreement to purchase private lands from the owner thereof and has paid not less than twenty per centum of the purchase money agreed upon in connection with such purchase, the vendor and purchaser may make application to the Minister to bring the said lands under the Closer Settlement Promotion Act, 1910, and any such application shall be dealt with in the manner prescribed by that Act in respect of other lands :

Provided that in no case shall the valuation of the lands for the purposes of this Act or the Closer Settlement Promotion Act, 1910, exceed the amount owing to the vendor at the date of the application.

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