

## CLOSER SETTLEMENT (AMENDMENT) ACT.

Act No. 48, 1918.

George V, **No. 48.** An Act to amend the law relating to closer settlement and to settlement purchases; to provide for the transfer of certain securities, moneys, powers, rights, and claims from the Government Savings Bank to the Minister for Lands; to provide a basis of valuation in certain cases of resumption of land; to repeal the Closer Settlement Promotion Act, 1910; to amend the Acts relating to closer settlement, the Government Savings Bank Act, 1906, the Constitution Act, 1902, and certain other Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 21st December, 1918.]

**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:—

### PART I.

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

*Reduction of term of residence to five years.*

Reduction of residence. **2.** 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 the commencement of this Act.

*Subdivision*

*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.

George V.  
No. 48.  
Subdivision  
of settlement  
purchases.

The Minister may grant, refuse, or modify any application under this section, and may apportion the capital value of the settlement purchase between the subdivided parts.

Each portion of a subdivided settlement purchase shall be held and be transferable as a separate settlement purchase, and shall continue to be held subject to all of the unfulfilled conditions of the original settlement purchase.

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

**4.** 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 purchaser may make application to the Minister to bring the said lands under Part II of this Act, and any such application shall be dealt with in the manner prescribed by that Part and subject to the limitations of value specified in that Part:

Purchases  
from private  
vendors.

Provided that in no case shall the amount to be paid by the Crown for the purposes of this section exceed the amount owing to the vendor at the date of the surrender of the land to the Crown.

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

**5.** The Under Secretary shall have power on behalf of the Minister to deal with such formal 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.

The Under  
Secretary  
may deal  
with matter

*Resumption*

George V, *Resumption or purchase of land for village settlement.*  
No. 48.

Resumption  
or purchase  
for village  
settlement.

**6.** The Minister may resume or purchase by agreement lands up to two hundred acres in area for village settlements adjoining or in close proximity to any site for a railway station or siding.

The price shall be exclusive of any added value which would accrue to the land from the construction of the line of railway, or which has so accrued from the proposed construction of such line, provided that the resumption or purchase shall not be made under this section after twelve months from the opening of the railway line for ordinary traffic.

Any such resumption or purchase may be made without the authority of Parliament, if the price does not exceed three thousand pounds.

The provisions of the Closer Settlement (Amendment) Act, 1912, relating to the acquisition or resumption of land under that Act shall apply, mutatis mutandis, to the resumption or purchase of land under this section and the proceedings relating thereto.

---

## PART II.

### CLOSER SETTLEMENT PROMOTION.

#### *Commencement of Part.*

Commence-  
ment of  
Part.

**7.** 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, but where an application made under the Closer Settlement Promotion Act, 1910, is not finally determined before such date, the Minister may deal with the application as if it were made under section ten of this Act.

#### *Repeals.*

Repeals.

**8.** The Closer Settlement Promotion Act, 1910, including any amendment of that Act, and section two of the Closer Settlement (Amendment) Act, 1914, are hereby repealed.

*Applications*

*Applications to Minister to acquire private lands.*

George V,  
No. 48.

Applications  
to Minister to  
acquire  
private lands.

**9.** (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 an agreement for that purpose with such owner, apply to the Minister to acquire the said lands under and subject to the provisions of this section: Provided that the Minister may authorise any one or more discharged soldiers or sailors, if duly qualified, to make any such application.

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 value shall not exceed three thousand pounds. Not more than three hundred pounds shall be allowed as the value of any dwelling-house on the land.

(2) Such agreements and applications shall be in the prescribed form, and 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.** 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 applicant or applicants.

Reduction in  
number of  
applicants.

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

**11.** The Minister may cause a valuation of such lands to be made jointly by an advisory board and the Commissioners of the Government Savings Bank of New South Wales. If such board and the commissioners do not agree in the valuation, they may make separate valuations, in which case the lower of such valuations shall be deemed to be the valuation for the purposes of this Act.

Valuation.

**12.**

**Closer Settlement (Amendment) Act.**

**George V,**  
**No. 48.**  
Where valuation is less than price.

**12.** If the amount at which the land has been so valued is less than the price fixed in the agreement, the Minister after report by the advisory board may rescind the agreement 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.

*Approval by Minister of purchase.*

Purchase of land.

**13.** (1) Where application is made under section ten, the Minister, on being satisfied—

- (a) that the lands the subject of such application are suitable for settlement ;
- (b) that each applicant is qualified to make and hold a settlement purchase, and is otherwise eligible, and is likely to satisfactorily work and develop the land ; and
- (c) that such lands do not substantially exceed a home maintenance area for each applicant,

may approve of the purchase.

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.

Difference between price and amount to be paid by Minister.

**14.** Any difference between the amount to be paid by the Minister and the price of the land shall be paid by the purchaser to the vendor or arranged for between them before the payment by the Minister is made, and in the latter event the vendor shall have no right in respect of such difference against the Minister or the settlement purchase.

*Vesting in applicant.*

Vesting of land in applicant.

**15.** (1) On the surrender of the land to the Crown, and on the payment by the applicant to the Crown of the prescribed percentage of the purchase money by way of a deposit, and other prescribed fees and expenses, the land so purchased shall vest in and be held by the applicant as a settlement purchase under and subject to the provisions of the Closer Settlement Acts.

The

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

George V,  
No. 48.

(2) Allowance by a local land board shall not be necessary to the title to the settlement purchase, which shall commence on the date of the surrender of the land to the Crown.

Allowance by  
land board  
not necessary.

*Transfer of securities and moneys.*

**16.** All mortgages and securities held by the Commissioners of the Government Savings Bank under the Closer Settlement Promotion Act, 1910, other than mortgages made in pursuance of section fifteen of that Act, and all powers, rights, and claims at law or in equity possessed by or vested in the said commissioners 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 if the right or title thereto had originally been vested in him.

Transfer to  
Minister of  
securities by  
Savings Bank.

The Minister may cancel any such mortgage by notification published in the Gazette, and upon production of a copy of such notification, duly certified under the hand of the Minister, it shall be the duty of the Registrar-General to deal with and give effect to such notification, but such cancellation shall not affect any liability of the holder of the settlement purchase to pay the instalments and interest as prescribed by the Closer Settlement Acts and the regulations thereunder.

Where at the time this Part of this Act comes into operation any mortgage given to the said commissioners in pursuance of section fifteen of the Closer Settlement Promotion Act, 1910, is still subsisting, the registers of the Department of Lands shall be noted as if such mortgage had been effected by transfer as prescribed by regulations under the Closer Settlement Acts.

**17.** 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

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

**George V, No. 48.** to the said commissioners by the Minister. Such payment shall be made by Closer Settlement debentures, in multiples of fifty pounds, bearing interest at such rates and issued for such currencies as may be agreed upon between the Minister and the commissioners: Provided that any broken sums may be paid in cash. 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 of Reserve Fund in bank to Closer Settlement Fund.

**18.** 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, after deducting therefrom working expenses or other reasonable charges.

*Disposal of forfeited lands.*

Disposal of forfeited lands.

**19.** Any land acquired under the Closer Settlement Promotion Act, 1910, which has been forfeited and has not been resold and transferred prior to the commencement of this part of this Act, shall be vested in His Majesty, and shall not be available for application until so notified in the Gazette: Provided that in any case in which negotiations for the sale and transfer of such lands have been entered into by the Commissioners of the Government Savings Bank and not completed, such negotiations may be carried on and completed by the Minister by vesting the land in the purchaser by notification in the Gazette; and upon such vesting the land shall be held subject to the conditions of the Closer Settlement Acts, and to such other conditions as the Minister may notify: Provided also that where, in pursuance of section fifteen of the Closer Settlement Promotion Act, 1910, hereby repealed, an advance has been made by such commissioners upon the security of a holding which has been forfeited, and such advance is subsisting at the date of the vesting in His Majesty hereinbefore referred to, the Minister shall pay to the commissioners the value of the improvements effected by the borrower subsequent to his acquiring the holding  
to

to the extent of the amount owing to the commissioners in connection with such advance. Such value shall be determined by the Minister and the commissioners.

George V,  
No. 48.

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

**20.** The following amendments are made in the Closer Settlement (Amendment) Act, 1909:—

Amendment  
of Closer  
Settlement  
(Amendment)  
Act, 1909.

Section twenty-one, subsection two: Omit "or the Closer Settlement Promotion Act, 1910."

Subsection three: Omit "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."

Omit "acquired under the Closer Settlement Promotion Act, 1910."

*Statement to be laid before Parliament.*

**21.** 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.

Statement  
to be laid  
before Parlia-  
ment.

PART III.

AMENDMENT OF CLOSER SETTLEMENT ACTS.

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

Amendments of  
Closer Settle-  
ment Act, 1904.

Section twenty-three: Omit "of four per centum" and insert "prescribed" in lieu thereof.

Sec. 23.

Section twenty-nine, subsection one: In paragraph (b) omit "ten" and insert "five" in lieu thereof.

Sec. 29.

In paragraph (c) omit "five per centum" and insert "fifteen per centum" in lieu thereof.

Omit "and to a further additional ten per centum within ten years from the same date" and insert "whether such purchase was made before

before



**Closer Settlement (Amendment) Act.**

**George V,  
No. 48.**

Amendments  
of Closer  
Settlement  
Act, 1904.

Payment of  
interest in  
lieu of instal-  
ments.

Postpone-  
ment of pay-  
ment of  
interest.

Postpone-  
ment of pay-  
ment of  
instalments.

before or after the commencement of the Closer Settlement (Amendment) Act, 1918," in lieu thereof.

Subsection two: Omit the whole of the subsection and insert the following in lieu thereof:—

(2) (a) Subject to the approval of the Minister, interest only may be paid, in lieu of instalments of purchase money, for such periods and subject to such conditions as the Minister may determine and irrespective of whether the instalments were payable before or become payable after the commencement of the Closer Settlement (Amendment) Act, 1918. Such interest shall be charged at the prescribed rate unless otherwise determined by the Minister, and shall be paid annually on the date that the instalment of purchase money would otherwise have been payable.

(b) If satisfied that the holder is unable to pay such interest on the due date, the Minister may postpone the payment thereof conditionally or unconditionally, in which case the amount of such interest unpaid shall be added to the amount owing on the settlement purchase as from the due date for payment of the interest, and if such interest be subsequently paid the amount owing on the settlement purchase shall be reduced by the amount so paid.

(c) The Minister may also postpone the payment conditionally or unconditionally of one or more instalments of purchase money owing on a settlement purchase, if satisfied of the inability of the holder to pay such instalments on the due date. Where any such postponement is granted, interest at the prescribed rate to the due date of the postponed instalment shall be added to the amount owing on the settlement purchase. If such instalment be subsequently paid the amount owing on the settlement purchase shall be reduced by the amount so paid.

(d) Provided that a postponement may be granted only in those cases where the amount  
owing

owing to the Crown on the settlement purchase at the due date of the instalment or interest in respect of which the postponement is sought does not exceed the original capital value of the settlement purchase plus eighty per centum of the value of the permanent and beneficial improvements effected on the settlement purchase since the commencement of title.

**George V,  
No. 48.**  
Amendments  
of Closer  
Settlement  
Act, 1904.

(c) The provisions of this section may be extended by the Minister to any instalment of purchase money in respect of which a postponement of payment or an extension of time to pay has been granted before the commencement of the Closer Settlement (Amendment) Act, 1918.

(f) Any postponement granted under this section shall cease to have effect upon the non-fulfilment of any condition attached to such postponement.

**Section thirty:** After "settlement purchase" (secondly occurring) insert "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." Sec. 30.

**Section thirty-one:** Omit "or mortgage or charge the same with the repayment of moneys advanced on the security thereof." Sec. 31.

The following is added at the end of the section:—"The provisions of this section shall apply to any transfer of land acquired under the Closer Settlement Acts or the Closer Settlement Promotion Act, 1910, irrespective of whether the grant has or has not issued or whether the land was acquired as a settlement purchase before or after the commencement of the Closer Settlement (Amendment) Act, 1918; and in every case the transferee of any such land shall require to be a person who is qualified to hold a settlement purchase.

"Such

George V,  
No. 48.

Amendments of  
Closer Settlement Act, 1904.

New section.

Powers of  
chairman.

“Such consent shall not be required in the case of a transfer by way of mortgage or release of mortgage before or after the issue of the grant, nor to a lease after the issue of the grant.”

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.

Sec. 38.

Section thirty-eight: The words “acquired under the Closer Settlement Acts or” are inserted between the words “lands” and “declared.”

The words “lands acquired under the Closer Settlement Acts or” are inserted immediately before the expression “a settlement purchase area” where secondly occurring.

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 one month after the publication in the Gazette and the local newspapers of the notice of the intention to effect such alteration or cancellation:

“Provided always that where it is intended to alter or cancel any such design 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

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 such persons 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:

George V,  
No. 48.  
Amendments  
of Closer  
Settlement  
Act, 1904.

“And provided also 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 such alteration or cancellation shall be notified in the Gazette.

“Where any allotment or portion has been sold within a village or town which is subsequently cancelled, such allotment or portion may be surrendered to the Crown, at a valuation to be determined by the local land board.”

Section forty is repealed, and the following inserted in lieu thereof:—

40. All moneys received in respect of sales, leases, or settlement purchases of—

Disposal of  
moneys  
received in  
respect of  
sales, &c.

- (a) land acquired under the Closer Settlement Acts; or
- (b) Crown lands included in settlement purchase areas; or
- (c) holdings under the Crown Lands Acts which include or partly include land comprised in leases acquired by the Crown under the Closer Settlement Acts—

shall be paid into the Treasury to the credit of the Closer Settlement Account.

Section

**Closer Settlement (Amendment) Act.**

**George V,  
No. 48.**

Amendments  
of Closer Settle-  
ment Act, 1904.  
Sec. 46.

Section forty-six : Omit "upon a reference made for that purpose by the Minister" and insert 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."

Amendments of  
Closer Settle-  
ment (Amend-  
ment) Act, 1906.  
Sec. 2.  
Sec. 3.

**23.** The following amendments are made in the Closer Settlement (Amendment) Act, 1906 :—

Section two is repealed.

Section three, subsection two: At the end of the subsection the following new subsection is inserted :—

(3) The Minister may also 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 subject to the provisions of the Principal Act and any amendments thereof within a reasonable working distance of the land already held by the applicant.

Sec. 6.

Section six : Omit "and in accordance with a design plan approved under the said Acts."

Sec. 7.

Section seven : Immediately before the expression "within a settlement purchase area" insert "acquired under the Closer Settlement Acts or."

Amendments of  
Closer Settle-  
ment (Amend-  
ment) Act, 1907.  
Sec. 4.

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

Section four, subsection three: Omit "acquire" and insert "consider the advisableness of acquiring" in lieu thereof.

Sec. 5.

Section five : Omit "acquire" and insert "consider the advisableness of acquiring" in lieu thereof.

Amendments of  
Closer Settle-  
ment (Amend-  
ment) Act, 1909.  
Sec. 21 (6).

**25.** The following amendments are made in the Closer Settlement (Amendment) Act, 1909 :—

Section twenty-one, subsection six : Immediately before the expression "within a settlement purchase area" insert "acquired under the Closer Settlement Acts, together with adjacent remnants of Crown lands, or"

**26.**

**26.** The following amendments are made in the George V,  
Closer Settlement (Amendment) Act, 1912 :— No. 48.

Section 4A as inserted by section three of the Amendments of  
Closer Settlement (Amendment) Act, 1912.  
Sec. 4A.  
Closer Settlement (Amendment) Act, 1916, is amended by inserting immediately after the expression "the said lease of such land" the words "and any private lands owned by the lessee and situated within, adjoining, or adjacent to, and used in conjunction with such lease."

After "thereon" at the end of the first proviso insert "and of any private land as aforesaid."

Section five (as amended by section four of the Sec. 5.  
Closer Settlement (Amendment) Act, 1916):  
After the expression "any such lease" insert "or private land."

After the expression "comprised in the lease" insert "or any private land."

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

At the end of section 3A of the Closer Settlement (Amendment) Act, 1914, the words "or the Consolidated Revenue Fund" are inserted.

The following new section is inserted next after section 3A of the Closer Settlement (Amendment) Act, 1914, as inserted by section five of the Closer Settlement (Amendment) Act, 1916 :—

3B. The Governor may also raise a sum not exceeding ten hundred thousand pounds in any financial year by the issue of debentures to the Commissioners of the Government Savings Bank of New South Wales. Any sum so raised shall be paid to the Treasurer, and shall be by him carried to and form part of the Closer Settlement Fund. Sec. 3B.

Such debentures shall be subject to the same rate of interest and conditions as debentures issued under the preceding section.

Section

**George V,  
No. 48.**Amendments of  
Closer Settlement  
(Amendment) Act, 1914.

Sec. 39.

Permits to  
occupy.

Section thirty-nine of the Closer Settlement Act, 1904, as inserted by section five of the Closer Settlement (Amendment) Act, 1914, is repealed, and the following is substituted for it:—

39. 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.

Sec. 6.

Sec. 12.

Section six and short heading are repealed.

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

Residence.

12. (1) Where a person is the holder of a settlement purchase and any other holding within a reasonable working distance of each other, and a condition of residence attaches to either or both of such holdings, he may, with the consent of the local land board or the Minister, and subject to such conditions as may be imposed, perform the condition or conditions of residence by residing on one of such holdings.

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

Sec. 13.

Section thirteen: Immediately before the expression "within a settlement purchase area" insert "acquired under the Closer Settlement Acts or"

Secs. 14 and 16.

Sections fourteen and sixteen are repealed.

*Regulations.*

Regulations.

**28.** In addition to the powers conferred by section fifty-three of the Closer Settlement Act, 1904, the Governor may also make regulations prescribing the application of any of the provisions of the Crown Lands Consolidation Act, 1913, to lands disposed of under the Closer Settlement Acts.