

CLOSER SETTLEMENT FUND ACT.

Act No. 38, 1928.

George V,
No. 38, 1928,

An Act to constitute a Closer Settlement Fund in lieu of that constituted under the Public Works and Closer Settlement Funds Act, 1906; to amend the Public Works and Closer Settlement Funds Act, 1906, the Constitution Act, 1902, the Audit Act, 1902, the Closer Settlement Acts, the Crown Lands Consolidation Act, 1913, and certain other Acts; and for purposes connected therewith. [Assented to, 18th December, 1928.]

BE

BE it enacted by the King's Most Excellent Majesty, ^{No. 38, 1928.} 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 ^{Short title.} Fund Act, 1928,” and shall be construed with the Audit Act, 1902, in this Act referred to as the Principal Act.

(2) This Act shall be deemed to commence on the first day of July, one thousand nine hundred and twenty-eight.

(3) In this Act, unless the context otherwise requires,—

“Closer Settlement Acts” means the Closer Settlement Act, 1904, and all Acts heretofore and hereafter passed amending that Act.

“Returned Soldiers' Settlement Act, 1916,” includes all Acts heretofore and hereafter passed amending that Act.

(4) Nothing in this Act shall invalidate any payments into or out of the Closer Settlement Fund closed by this Act prior to the commencement of this Act, but the same shall respectively be deemed to be payments into and out of the Closer Settlement Fund constituted by this Act.

2. The Acts mentioned in Schedule One to this Act ^{Repeal.} are to the extent therein indicated hereby repealed.

3. The Closer Settlement Fund, constituted in pursuance of the Public Works and Closer Settlement ^{Closer Settlement Fund.} Funds Act, 1906, shall be closed, and in lieu thereof there shall be constituted a Closer Settlement Fund in pursuance of this Act.

In connection with such fund an account under the Principal Act to be called the Closer Settlement Account shall be kept in the Treasury.

4. The Closer Settlement Fund constituted in ^{Liabilities of old fund.} pursuance of this Act shall be charged with all liabilities charged upon the Closer Settlement Fund constituted in pursuance of the Public Works and Closer Settlement Funds Act, 1906, and closed by this Act.

5.

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Payments
into Closer
Settlement
Fund.

5. There shall be paid into the fund constituted in pursuance of this Act—

- (a) the balance at the credit of the Closer Settlement Fund constituted in pursuance of the Public Works and Closer Settlement Funds Act, 1906;
- (b) all amounts which may from time to time be paid to the Registrar-General under section one hundred and nineteen of the Real Property Act, 1900;
- (c) all receipts in respect of—
 - (i) sales, leases, permissive occupancies and settlement purchases under the Closer Settlement Acts; and soldiers' group purchases under the Returned Soldiers' Settlement Act, 1916;
 - (ii) sales and leases of land resumed under the Closer Settlement (Amendment) Act, 1912;
 - (iii) repayment of, or other payments made in connection with, advances made under the Returned Soldiers' Settlement Act, 1916;
 - (iv) repayment of or other payments made in connection with advances made or expenditure incurred under the services set out in the second column in Schedule Two to this Act which are referred to in the Acts respectively set out in the first column of that Schedule;
 - (v) fees, deposits and other moneys paid towards the cost of dealing with applications in respect of land the proceeds of which are carried to the Closer Settlement Fund;
- (d) all loan moneys raised under any Act and appropriated by Parliament for the purposes of the Closer Settlement Acts and the Returned Soldiers' Settlement Act, 1916;
- (e) all money appropriated by Parliament from the Consolidated Revenue Fund for the purpose of the last-mentioned Acts;

(f)

- (f) any other moneys directed by Parliament to be paid to the fund constituted under this Act; No. 38, 1928.
- (g) all interest received in respect of investment of moneys belonging to such fund;
- (h) the proceeds of investments of moneys belonging to the fund constituted under this Act, and the proceeds of any securities in respect of any advance referred to in subparagraphs (iii) and (iv) of paragraph (c) of this section, or repayments or payments to be made in connection with any expenditure referred to in the last-mentioned subparagraph;
- (i) repayment of fire insurance premiums paid out of the fund constituted by this Act.

6. (1) Subject to appropriation by Parliament, there may be paid out of such fund— Payments
out of fund.

- (a) the cost of the purchase or acquisition of land for closer settlement under the Closer Settlement Acts and the Crown Lands Consolidation Act, 1913;
- (b) the cost of subdivision, maintenance, improvement and disposal (including re-disposal) of such land under the said Acts and the Returned Soldiers' Settlement Act, 1916, and the cost of all works in connection therewith and other expenses incidental thereto;
- (c) any advances to soldier settlers under the Returned Soldiers' Settlement Act, 1916;
- (d) the cost of administration in relation to closer settlement under the Closer Settlement Acts and the Returned Soldiers' Settlement Act, 1916, and other expenses incidental thereto.

(2) Out of such moneys in the fund as may be lawfully applied thereto, there may, without further appropriation than this Act, be paid—

- (a) Sinking fund contributions in respect of closer settlement debentures and ministerial certificates issued under the authority of the Closer Settlement Acts, and in respect of loans the proceeds

proceeds of which were credited or carried to the Closer Settlement Fund closed by this Act or the Closer Settlement Fund constituted under this Act, or expended in the acquisition of land for or set apart for Soldiers' Group purchases under the Returned Soldiers' Settlement Act, 1916, or works or services connected therewith, or in making the advances referred to in subparagraph (iii) of paragraph (c) of section five, or the advances or expenditure referred to in subparagraph (iv) of that paragraph, such sinking fund contributions to be paid to the Colonial Treasurer at such times and in such amounts as he may direct ;

- (b) interest payable to the Consolidated Revenue Fund to recoup that account for interest charged on the Consolidated Revenue Fund in respect of loans the proceeds of which were credited or carried or expended as mentioned in paragraph (a) of this subsection ;
- (c) interest payable in respect of Closer Settlement debentures and ministerial certificates ;
- (d) all interest and other charges payable in respect of advances made to the fund ;
- (e) any claims on the Assurance Fund under the Real Property Act, 1900, or any Act amending that Act :

Provided that so far as the Closer Settlement Fund is insufficient to meet any such claims they shall be paid out of the Consolidated Revenue Fund ;

- (f) fire insurance premiums in respect of improvements erected on lands acquired, or in course of acquisition under the Closer Settlement Acts or Crown Lands Consolidation Act, 1913, or otherwise for disposal under the Closer Settlement Acts or the Returned Soldiers' Settlement Act, 1916, whether such lands have been or are so disposed of or not.

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Closer Settlement Fund Act.

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The premiums paid in respect of improvements erected on lands so disposed of as settlement purchases, Soldiers' Group purchases or otherwise by way of sale shall be repaid by the owners of the lands and may be recovered from them as a Crown debt in any court of competent jurisdiction.

~~Section 38, 1928.~~
Nc. 38, 1928.

7. (1) No money shall be drawn from the fund constituted by this Act except under the authority of this Act. Authority for withdrawal from fund.

(2) The provisions of section forty-six of the Constitution Act, 1902, shall be deemed to apply to and in respect of the fund constituted by this Act in like manner as it applies to and in respect of the Consolidated Revenue Fund.

8. (1) Where in any Act provision has been made for the payment of money out of the Closer Settlement Fund closed by this Act or for the payment of money into or for the credit of such fund, the words " Closer Settlement Fund " in any Act containing such provision shall be construed as the Closer Settlement Fund constituted by this Act. General provision.

(2) Where in any Act provision has been made for the issue of debentures secured on the Closer Settlement Fund closed by this Act, such provision shall be sufficient authority for the issue of debentures secured on the Closer Settlement Fund constituted by this Act.

(3) A reference in any Act, regulation or instrument to the Closer Settlement Fund shall be read and construed as a reference to the Closer Settlement Fund constituted by this Act.

9. As soon as practicable after the thirtieth day of June in each year the Treasurer shall cause to be prepared a statement of the income and expenditure and a balance sheet of and in relation to the Closer Settlement Fund for the twelve months next preceding the said date. Copies of such statement and balance sheet shall as soon as practicable be laid before both Houses of Parliament. Statement of income and expenditure. cf. Act No. 22, 1912, s. 6.

10.

Closer Settlement Fund Act.

No. 38, 1928.
Amendment
of Act No. 9,
1906.

10. The Public Works and Closer Settlement Funds Act, 1906, as amended by subsequent Acts, is amended as follows:—

Sec. 3.

(a) (i) by omitting from section three the words “and a Closer Settlement Fund”;

(ii) by omitting from the same section the words “funds accounts” and by inserting in lieu thereof the words “fund an account”;

(iii) by omitting from the same section the word “respectively” and the words “and Closer Settlement Account”;

(b) (i) by omitting from subsection one of section eight the words “or Closer Settlement Account” wherever occurring;

(ii) by omitting from the same section the words “to the other of such accounts or”;

Sec. 9.

(c) by omitting from section nine the words “any fund” and by inserting in lieu thereof the words “the Public Works Fund”;

Sec. 12.

(d) (i) by omitting from subsection one of section twelve the words “or the Closer Settlement Fund”;

(ii) by omitting from subsection two of the same section the words “or the Closer Settlement Fund as the case may be.”

Amendment of
Act No. 26, 1902.
Sec. 57.
(Publication.)

11. The Principal Act is amended—

(a) (i) by omitting from paragraph (d) of section fifty-seven the words “and the Closer Settlement Fund respectively”;

(ii) by omitting from the same paragraph of the same section the word “funds” and inserting in lieu thereof the word “fund”;

(iii) by inserting after paragraph (e) of section fifty-seven the following new paragraph:—

(f) a detailed statement of the receipts and expenditure of the Closer Settlement Fund and the account current of the said fund for such quarter or year.

(b)

- (b) (i) by omitting paragraph (e) of subsection No. 38, 1928. one of section fifty-eight and by inserting Sec. 58. in lieu thereof the following new para- (Statements.) graph :—
- (c) a statement of the receipts and expenditure for such year of the Public Works Fund.
- (ii) by inserting after paragraph (f) of subsection one of section fifty-eight the following new paragraph :—
- (g) a statement of the receipts and expenditure for such year of the Closer Settlement Account.

12. In pursuance of the order of the Governor any Advances from one fund to another. moneys at the credit of the Closer Settlement Fund may be transferred by way of advance to the Consolidated Revenue Account, and any moneys at the credit of the Consolidated Revenue Account may be so transferred to the Closer Settlement Fund.

Any such order shall be laid before Parliament without delay.

Any moneys so transferred or any part thereof may at any time be re-transferred and repaid.

13. (1) Where any appropriation or balance of an Lapse of appropriations. appropriation which is made after the commencement of this Act out of the Closer Settlement Fund by any Act passed two years or longer before the close of any financial year remains unapplied at the close of such year, such appropriation or balance of such appropriation shall thereupon lapse.

(2) Any appropriation or balance of an appropriation out of the Closer Settlement Fund closed by this Act and made by any Act passed prior to the commencement of this Act remaining unapplied at such commencement, and which has not lapsed under the provisions of section twelve of the Public Works and Closer Settlement Funds Act, 1906, as inserted by the Public Works and Closer Settlement Funds (Amendment) Act, 1924, may be paid out of the Closer Settlement Fund constituted by this Act if applied before the

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No. 38, 1928. the thirtieth day of June, one thousand nine hundred and twenty-nine, but otherwise such appropriation or balance shall lapse on that date.

(3) Any moneys so appropriated shall to the extent to which the appropriation thereof lapses under this section, remain in the Closer Settlement Fund, and may be made available therefrom as in this Act provided.

SCHEDULES.

SCHEDULE ONE.

Sec. 2.

Number of Act.	Short title.	Extent to which same repealed.
No. 9, 1906 ...	Public Works and Closer Settlement Funds Act, 1906.	Sections six and seven.
No. 3, 1921 ...	Real Property (Amendment) Act, 1921.	Section twelve.

SCHEDULE

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SCHEDULE TWO.

Act.	Service.	Nett Expenditure.
		£ s. d.
No. 25 of 1918 ...	Returned Soldiers' Settlement Act, No. 21, 1916, as amended by Act 24, 1917—Advances to assist settlers and to meet other expenses incurred under the provisions of the Act.	33,631 11 2
No. 25 of 1918 ...	For advances to assist settlers under the Returned Soldiers' Settlement Act, No. 21, 1916, as amended by Act 24, 1917, in cases where first mortgages are in existence.	2,212 7 8
No. 27 of 1919 ...	Returned Soldiers' Settlement Act, No. 21, 1916, as amended by Act 24, 1917—Advances to assist settlers and to meet other expenses incurred under the provisions of the Act.	327,222 6 11
No. 27 of 1920 ...	Returned Soldiers' Settlement Act, No. 21, 1916, as amended by Act 24, 1917—Advances to assist settlers and to meet other expenses incurred under the provisions of the Act.	270,176 3 2
No. 27 of 1920 ...	Advances to returned soldier settlers in the Western Division of the State.	10,745 14
No. 21 of 1921 ..	Returned Soldiers' Settlement Act, No. 21, 1916, as amended by Act 24, 1917—Advances to assist settlers and to meet other expenses incurred under the provisions of the Act.	874,982 9 1
No. 18 of 1922 ...	Advances to returned soldiers in the Western Division of the State.	625 0 0
	Carried forward	1,519,595 12 5

Closer Settlement Fund Act.

No. 38, 1923.

SCHEDULE TWO—*continued.*

Act.	Service.	Nett Expenditure.
		£ s. d.
No. 18 of 1922 ...	Brought forward ... Returned Soldiers' Settlement Act, No. 21, 1916, as amended by Act 24, 1917—Advances to assist settlers and to meet other expenses incurred under the provisions of the Act.	1,519,595 12 5 182,935 18 10
No. 27 of 1913 ...	For the subdivision and improvement of Crown or acquired lands to be leased or otherwise disposed of to returned soldiers, and for other expenses in connection therewith, including the purchase of implements, stock, &c.	866,952 4 4
No. 27 of 1920 ...	For the subdivision and improvement of Crown or acquired lands to be leased or otherwise disposed of to returned soldiers, and for other expenses in connection therewith, including the purchase of implements, stock, &c.	248,630 16 1
No. 73 of 1916 ...	Acquisition or resumption of lands suitable for small holdings for returned soldiers.	46,604 0 4
No. 7 of 1917 ...	Acquisition or resumption of lands suitable for small holdings for returned soldiers.	23,378 11 7
No. 25 of 1918 ...	Acquisition or resumption of lands suitable for small holdings for returned soldiers.	36,205 11 2
No. 27 of 1919 ...	Acquisition or resumption of lands suitable for small holdings for returned soldiers.	579,016 16 5
	Carried forward ...	2,503,319 11 2

SCHEDULE TWO—*continued*.

No. 38, 1923.

Act	Service.	Nett Expenditure.		
		£	s.	d.
No. 73 of 1916	... Brought forward Construction of roads re lands to be made available for returned soldiers.	2,503,319	11	2
		19,888	9	4
No. 7 of 1917	... Construction of roads re lands to be made available for returned soldiers.	6,512	6	6
No. 27 of 1919	... Compensation for acquisition of Scrub Improvement and 18th Section Leases for settlement of returned soldiers.	14,255	0	0
		£3,544,005	7	0