

Act No. 44, 1902.

An Act to consolidate enactments relating to the establishment and regulation of Labour Settlements on Crown Lands. [21st August, 1902.]

LABOUR
SETTLEMENTS.
—

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 :—

1. This Act may be cited as the "Labour Settlements Act, 1902." Short title.

2. (1) The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed. Repeal and saving clauses.

(2) All notices duly given and proclamations duly made, all boards or persons duly appointed, all members duly enrolled, all trades or industries duly established, all advances duly made, all leases granted, and all acts and things duly done under the Acts hereby repealed and in force, existing, or operative at the passing of this Act, shall continue and be of the same force and effect as if this Act had been in force at the time the same respectively were given and made, appointed, enrolled, established, made, granted, or done, and they had been given or made, appointed, established, made, granted, or done respectively hereunder, and this Act shall apply to them accordingly.

(3) All regulations duly made under or in accordance with the Acts hereby repealed and in force and operative at the passing of this Act shall be deemed to be and to have been duly made under the corresponding provisions of this Act, and as if this Act had been in force when the same were made.

3. (1) The Governor may, whenever he thinks it desirable in the general interests of New South Wales, declare by notice in the Gazette that any Crown land therein described and not then under lease from the Crown shall be available for lease for the purpose of a Labour Settlement, and on the publication of such notice the land shall (unless and until such notice be withdrawn by notice in the Gazette) be exempt from sale or lease under any Crown Lands Acts or Mining Acts in force for the time being, and the Governor may nominate and appoint any persons, not less than eight and not more than sixteen in number, of whom not more than one-fourth may be females, to be the Board of Control (hereinafter called the "board") of the Labour Settlement. Establishment of Labour Settlements. 56 Vic. No. 34, s. 2.

(2) From and after the date of appointment the board shall be deemed to be and shall be a corporate body, with perpetual succession

succession and a common seal; and the land or any part thereof may be leased to the board, subject to the provisions and for the purposes of this Act, for any term not exceeding twenty-eight years, commencing on the date of the Governor's approval of the lease, with a right of renewal for a further term not exceeding twenty-eight years: Provided that the Governor may, at any time, by notice in the Gazette, dissolve any board, and thereupon the lease to the board shall be cancelled, but such cancellation shall not affect any sublease or any renewal thereof granted by the board under this Act.

Land may be withdrawn from lease for roads, school sites, &c.

57 Vic. No. 26, s. 4.

(3) The Governor may, by proclamation in the Gazette, withdraw from lease or promise of lease under this Act, without compensation, any land required for roads, sites for schools, public buildings, or for recreation, or other general purpose in connection with such settlement. Any such proclamation may be cancelled or modified by proclamation in the Gazette.

Assessment and payment of rent by board.

56 Vic. No. 34, s. 3.

4. The Minister for Lands shall determine the rent of the land after appraisalment by the local land board, as constituted under the Crown Lands Acts, and such rent shall be paid annually by the board, and shall commence from and after the expiration of the fourth year of the lease.

Governor may remove trustees from board.

Ibid. s. 4.

5. The Governor may, by notice in the Gazette, remove any member of a board, and may fill any vacancy which may occur by reason of such removal, or any vacancy caused by death or resignation of any member; but every such appointment shall take effect only upon notification in the Gazette.

Duties of board.

Ibid. s. 5.

6. It shall be the duty of a board, subject to regulations made by the Governor under this Act, to enrol such persons (hereinafter called "enrolled members"), being of good repute, as it may think fit.

Loans and repayment.

Ibid. s. 6.

7. When a board has enrolled such number of persons as the Minister may approve, being either unmarried persons (each of or over the age of twenty-one years), or heads of families, it may apply in writing to the Minister for Lands for monetary assistance, naming the persons for whom such assistance is asked, and furnishing such other particulars as the Minister may require. If the Minister, after due inquiry, approve of the application, he shall certify to that effect to the Treasurer, and recommend that an amount, to be specified, not exceeding twenty-five pounds for each enrolled member who is the head of a family dependent upon him, or twenty pounds for each married person without a family dependent upon him, and fifteen pounds for each unmarried person should be paid to the board. On the receipt of that certificate the Treasurer may pay to the board the amount so recommended to be paid. The board shall be held to be trustees of the moneys received by it from the Treasurer or from any other persons, and shall, subject to any regulations in that behalf, apply the moneys to the purposes for which they were given, and shall

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shall keep such accounts as may be prescribed. At the expiration of four years from the commencement of the lease, and each following year eight per centum of the total amount paid to the board by the Treasurer under this section shall be a charge on the revenues of the board payable to the Treasury, until the said sum, with interest at the rate of four per centum per annum, has been repaid.

8. Notwithstanding anything in this Act the Minister may recommend to be paid to any board established hereunder, and the Treasurer may, from any moneys voted for the purpose, pay to such boards any sum or sums the Minister may deem necessary or expedient, provided that the aggregate amount to be advanced by way of loan shall not when taken together with any moneys already advanced exceed for each enrolled member—

Advances may be made to board of control.
57 Vic. No. 26, s. 2.

- (a) who is head of a family dependent upon him—fifty pounds.
- (b) who is a married person without a family dependent upon him—forty pounds;
- (c) who is an unmarried person over the age of twenty-one years (which terms shall be held to include a bachelor, a spinster, a widower, or a widow)—thirty pounds:

Provided that the amounts hereby sanctioned shall not be paid to a greater number of persons than may have been entitled to receive the same at the time of the passing of the Act fifty-seventh Victoria number twenty-six: Provided also that the Minister, before making any advance beyond the amounts provided for in section seven hereof and from time to time thereafter, shall be satisfied that the improvements made upon the labour settlement are of a value approximating to the aggregate amount of money previously advanced by the Crown.

9. In any case where a labour settlement has been or may hereafter be initiated with moneys provided by the enrolled members, the Treasurer may on the Minister's recommendation pay to the board in one sum or by instalments according as the Minister may think fit, subject to the provisions for repayment, as provided by section seven hereof, an amount not exceeding the appraised value of such improvements as have been made on the labour settlement by or at the expense of the members thereof. The appraisement of the value of such improvements shall be made by any person or by the local land board of the district, as the Minister may appoint or direct: Provided that the term "improvements" shall with respect to any labour settlement be held to include any live stock or working plant the joint property of such settlement: Provided also that the aggregate amount to be so paid shall not when taken, together with any moneys already advanced, exceed for each enrolled member the sums specified in section eight hereof.

Provision for advance equal to appraised value of improvements.
Ibid. s. 3.

10. (1) The board may establish and manage any trade or industry, and may, by regulations, dispose of and apportion the proceeds

Powers of board.
56 Vic. No. 34, s. 7.

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proceeds and profits derivable therefrom among the enrolled members, and may, for sufficient cause, disenroll and remove any member from the labour settlement, and may include therein any new member.

(2) The board may, subject to the approval of the Minister for Lands, grant a sublease of any land vested in it to any enrolled member at such rent, and subject to such conditions and for such term as it may think fit, and as the Minister may approve, with a right of renewal for such further term as the board may recommend and the Minister may approve. Such lease shall only be assigned or sublet with the permission of the board, and to a person enrolled in the same labour settlement.

Regulations may
be made by
Governor.
56 Vic. No. 34, s. 8.

11. The Governor may make regulations—

- (a) prescribing the class of persons to be enrolled in a Labour Settlement, and the priorities in which their applications are to be considered ;
- (b) prescribing the accounts to be kept by boards of control of moneys received and expended by them ;
- (c) concerning the duties of boards as defined in this Act ;
- (d) concerning such other matters as may be found necessary or desirable for the purposes of this Act.

Regulations may be
made by board.
Ibid. s. 9.

12. (1) A board may make regulations concerning—

- (a) the quorum necessary, the election of a chairman, and the conduct of business at its meetings ;
- (b) the work to be done in the settlement including the surrounding thereof with a substantial fence, and the apportionment of the work among the members, and the equitable distribution of wages, profits and emoluments among the members after providing for the cost of their maintenance ;
- (c) the collection, spending, and application of moneys ;
- (d) the cleanliness, good order, and government of the settlement ;

and may impose a penalty not exceeding two pounds for a breach of any of these regulations, to be recovered in a summary way before any court of petty sessions.

(2) All regulations (whether under this or the preceding section) on being approved by the Governor and published in the Gazette shall have the force of law, provided that a copy of any such regulations shall be laid on the table of both Houses of Parliament without unreasonable delay.

Act No. 45, 1902.

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Agricultural Society.

SCHEDULE.

Reference to Act.	Short title.	Extent of repeal.
56 Vic. No. 34...	Labour Settlements Act	The whole.
57 Vic. No. 26 ...	Labour Settlements Act Amendment Act of 1894 ..	The whole.