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Deputy Chief Parliamentary Counsel
Dated 13 January 2022



TASMANIA

WAR SERVICE LAND SETTLEMENT ACT 1950

No. 82 of 1950

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WAR SERVICE LAND SETTLEMENT ACT 1950

No. 82 of 1950

An Act to provide for the settlement on the land of persons returned from war service, to validate certain acquisitions of land and other transactions, and to repeal the *Commonwealth and State War Service Land Settlement Agreement Act 1945* and the Acts amending it

[Royal Assent 21 December 1950]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART I – PRELIMINARY

1. Short title

This Act may be cited as the *War Service Land Settlement Act 1950*.

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2. Repeal

The *Commonwealth and State War Service Land Settlement Agreement Act 1945*, the *Commonwealth and State War Service Land Settlement Agreement Act 1947*, the *Commonwealth and State War Service Land Settlement Agreement Act 1948*, and the *Commonwealth and State War Service Land Settlement Agreement Act 1949* are repealed.

3. Interpretation

In this Act, unless the contrary intention appears

—

Board means the Closer Settlement Board constituted under the *Closer Settlement Act 1957*;

caring partner, in relation to a person, means the person with whom the person is, or was at the time of his or her death, in a caring relationship, within the meaning of the *Relationships Act 2003*;

Crown land has the same meaning as in the *Crown Lands Act 1976*;

eligible person means —

(a) a discharged member of the Forces who —

(i) has been honourably discharged after not less;
or

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-
- (ii) having in the opinion of the Board been materially prejudiced by reason of his war service, has been honourably discharged after less –

than six months' war service; or

- (b) a person who is included in a class of persons (if any) that the Minister determines shall be eligible to participate in war service land settlement under this Act –

and has been registered under section thirteen A;

holding means the land allotted to an eligible person for the purposes of this Act;

member of the Forces means –

- (a) a person who is or was, during the war, a member of the Permanent Forces of the Commonwealth, other than the Australian Imperial Force;
- (b) a person who is or was, during the war, a member of the Australian Imperial Force;
- (c) a member of the Citizen Forces of the Commonwealth who is or was enlisted, appointed, or called

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up for continuous service for the duration of, and directly in connection with, the war;

- (d) a person who is or was, during the war, engaged on continuous full-time service as a member of any of the following services – The Royal Australian Naval Nursing Service; The Women’s Royal Australian Naval Service; The Australian Army Nursing Service; The Australian Women’s Army Service; The Australian Army Medical Women’s Service; The Royal Australian Air Force Nursing Service; The Women’s Auxiliary Australian Air Force;
- (e) a member of a Voluntary Aid Detachment who is or was, during the war, engaged on continuous full-time paid duty with any part of the Defence Forces of the Commonwealth;
- (f) a member of the Naval, Military, or Air Forces of any part of the King’s Dominions other than Australia who is or was, during the war, engaged on service in a prescribed area and was born in Australia or was, immediately prior to his becoming a member of any of those Forces, domiciled in Australia; and

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(g) a person who is or was, during the war, engaged on continuous full-time service with any Nursing Service or other Women's Service auxiliary to the Naval, Military, or Air Forces of any part of the King's Dominions other than Australia who was born in Australia or was, immediately prior to her becoming a member of that Service, domiciled in Australia –

but does not include any enemy alien who served during the war as a member of the Army Labour Corps but not otherwise;

register the verb, in all its parts, means register under the *Land Titles Act 1980*, and **registration** shall be similarly construed;

spouse includes the person with whom a person is, or was at the time of his or her death, in a significant relationship, within the meaning of the *Relationships Act 2003*;

TDR means Tasmania Development and Resources;

tenancy means a tenancy of a holding created by the Board by allotment under section fifteen or by grant under section seventeen;

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tenant means the tenant of a holding, his heirs, executors, administrators, or assigns as the context requires;

the repealed Acts means the Acts repealed by section two;

the war means the war which commenced on the third day of September 1939, and includes any other war in which His Majesty became engaged after that date and before the second day of September 1945;

war service means—

- (a) service as a member of the Permanent Forces of the Commonwealth, other than the Australian Imperial Force;
- (b) service in the Australian Imperial Force;
- (c) the service of a member of the Citizen Forces of the Commonwealth when called out for war service in pursuance of the *Defence Act 1903* of the Commonwealth, or during continuous training under that Act, the *Naval Defence Act 1910* of the Commonwealth, or the *Air Force Act 1923* of the Commonwealth;

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- (d) the continuous full-time service in the Defence Forces under any Act of the Commonwealth or under any regulations under an Act of the Commonwealth, of any person who volunteers and is accepted for that service during the war;
- (e) in the case of a person specified in paragraphs (d), (e), (f), or (g) of the definition of *member of the Forces*, service in any of the bodies specified in those paragraphs; or
- (f) the continuous full-time service of any person as a member of an organization or part thereof which is declared by proclamation under the *Re-establishment and Employment Act 1945* of the Commonwealth to be an organization in relation to which the provisions of that Act apply—

during the war.

4.

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Part II – Powers in Respect of Lands

PART II – POWERS IN RESPECT OF LANDS

5. Power to reserve land for settlement

- (1) The Minister may, on the recommendation of the Board, at any time within two months after the commencement of this Act, by notice in the *Gazette*, declare any area defined in the notice, comprising land suitable for settlement by discharged members of the Forces, to be a reserved area for the purposes of this Act.
- (2) A notice under subsection (1) shall, unless sooner revoked, remain in force for a period of twelve months from the date thereof.
- (3) While any notice under subsection (1) remains in force in respect of any reserved area, no person shall –
 - (a) sell or purchase any rural land; or
 - (b) give or take any option for the sale or purchase of rural land –

in the reserved area except with the consent, in writing, of the Minister.

Penalty: Fine not exceeding 20 penalty units.

- (4) Any agreement or option for the sale or purchase of rural land in contravention of subsection (3), and any conveyance or transfer of any land to which any such agreement or option relates, shall be void and of no effect.

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(5) In this section

rural land means land situated outside the limits of any city or town.

6. Acquiring land

- (1) The Board may acquire land for the purposes of this Act.
- (2) The *Land Acquisition Act 1993* applies in relation to the acquisition of land, and the land acquired, by the Board.

7.

8. Closer settlement land may be brought under this Act

- (1) The Governor may, on the recommendation of the Board by proclamation, declare as from any date after the twentieth day of December 1945, any land subject to the *Closer Settlement Act 1957* which is not leased or sold or contracted to be leased or sold shall be subject to this Act.
- (2) Upon the making of such a proclamation the land thereby affected shall cease to be subject to the *Closer Settlement Act 1957* and shall be subject to this Act and shall be deemed to have done so from any earlier date set out in the proclamation for that purpose.

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9. Vesting of land in the Board

- (1) The lands referred to in the third schedule are hereby vested in the Board.
- (2) The Governor may by proclamation vest in the Board any land reserved under section 12 of the *Crown Lands Act 1976* or surrendered to the King purportedly for the purposes of the repealed Acts or any of them.
- (3) All land becoming subject to this Act under section eight shall at the same instant vest in the Board.
- (4) Upon land vesting in the Board under this section the Board shall hold the same in fee for the purposes of this Act, and the Recorder of Titles shall register the Board as proprietor thereof upon, in the case of land vesting under subsections (2) and (3) of this section, the Board's so requesting and referring to the place in the *Gazette* where the relevant proclamation appears, and this the Board shall do within sixty days after gazettal.
- (5) Nothing in this section applies to the land comprised in purchase grant, volume 211, folium 72.

10. Disposition of lands by the Board

- (1) The Board may grant land to eligible persons for the purposes of this Act as provided in Part III.

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- (2) For the purposes of this Act the Board may grant land –
- (a) to eligible persons to be held for any interest less than freehold; and
 - (b) to other persons to be held at will.
- (3) The Board may if it is of opinion that any land vested in it is required for any of the purposes specified in subsection (4) of this section with consent transfer, lease, or surrender such land for that purpose.
- (4) Subsection (3) of this section shall apply to any of the following purposes:
- (a) The erection or carrying on of any church, chapel, or church hall, with or without a hall, schoolroom, parsonage, presbytery, or manse, or any public hall, community centre, or other building for public or recreational purposes;
 - (b) the laying out and construction or carrying on of any recreation ground, park, or public reserve;
 - (c) The provision or carrying on of saleyards, or of any premises for the accommodation or agistment of travelling livestock;
 - (d) The erection or carrying on of any building or premises for use for the storage of agricultural machinery or plant, or any factory, mill, dairy, or other

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- building for use in, or in connection with, the treatment or processing of primary products;
- (e) the erection of shops and other business premises and of dwellings for the proprietors and their employees;
 - (f) The establishment of experimental farms;
 - (g) The provision of areas for use as timber plantations, and for afforestation purposes generally; or
 - (h) The residence of an agricultural contractor.
- (5) The Board may, with consent, before selling or leasing any land under subsection (3) of this section, erect any buildings or structures or do any other works required for the purpose for which the land is to be so disposed of, and make any transfer in pursuance of any such sale subject to a condition of defeasance to ensure that the land is used for the purpose for which it is sold.
- (6) Land leased under subsection (3) of this section shall be leased for such term and at such rental and upon and subject to such terms and conditions as the Minister approves.
- (7) Land required for the purpose set out in paragraph (h) of subsection (4) of this section may only be leased for life and with a condition of re-entry to ensure that neighbouring tenants have the benefit of the contractor's services.

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- (8) Where any land is surrendered under subsection (3) of this section the Minister shall by notice in the *Gazette* declare the purpose for which that land is surrendered and the provisions of the *Land Acquisition Act 1993* shall apply to and in respect of that land and in the same manner and to the same extent in all respects as if it had been lawfully acquired for that purpose under the provisions of that Act.
- (9) The Board may, if it is of opinion that to alter the boundaries of any land vested in it would make that land more useful for any purpose of this Act, with consent sell and transfer pieces along the boundaries of the land to adjoining landowners in consideration of the transfer of pieces on the other side of the boundaries or for any other consideration.

10AA. Waterworks

- (1) Where the Board has established waterworks for the supply of water to a group of holdings, the Governor may, on the request of the Board –
 - (a) by proclamation –
 - (i) define the boundaries of the group of holdings and declare the lands within those boundaries to be a water district;
 - (ii) name that water district; and

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- (iii) declare the source of supply of that district for the purposes of this section; and
 - (b) by letters patent, create and incorporate a board of trustees for the waterworks and provide for their appointment or election.
- (2) Upon the issue of the instruments mentioned in subsection (1) of this section –
 - (a) the *Waterworks Clauses Act 1952* shall apply in respect of the waterworks as if –
 - (i) this Act were the special Act for the purposes of that Act; and
 - (ii) the board of trustees were the undertakers authorized to construct the waterworks and to take water from the declared source of supply for the supply of the water district;
 - (b) the Board may convey to the board of trustees all its rights in the waterworks; and
 - (c) the board of trustees shall, upon the conveyance of the Board's rights, pay to the Board the value of those rights as determined by the Minister by such instalments, at such times, and with such interest as he directs to be provided in the conveyance.

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- (3) The Treasurer may, on behalf of the Crown, guarantee repayment of moneys borrowed by boards of trustees for the purposes of this section.
- (4) The Board may out of moneys available for the purposes of this Act lend money to boards of trustees for the purposes of this Act.
- (5) To secure payment of money given under a guarantee under subsection (3) or lent under subsection (4), a board of trustees may give a charge over its revenue.
- (6) The Treasurer shall not act under subsection (3), nor the Board under subsection (4), of this section, except where the moneys to be guaranteed or lent will be spent on works approved for the purposes of this section by Tasmanian Irrigation Pty Ltd (ACN 133 148 384).

10A. Lawrenny waterworks

If by letters patent under the seal of the State a corporation is created to manage, carry on, and improve the waterworks that were formerly part of *Lawrenny Estate* in the parish of *Lawrenny* in the county of *Cumberland*, the Board may –

- (a) transfer those waterworks to that corporation, together with such rights and privileges over or in other lands formerly part of that estate as it thinks proper to the purposes of that corporation; and

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- (b) include in any offer of a holding carved out of that estate a condition precedent to allotment thereof that the offeree will covenant with that corporation to grant or do or refrain from doing certain things, as the Board, in consultation with the corporation may think fit to specify in the offer, for the better carrying out of the purposes of the corporation.

10B. Water rights

If a corporation is created as provided in section ten A there shall continue and vest in it all the right to take, divert, and use water into and by the waterworks therein mentioned which the owner of the estate therein mentioned had on the eighteenth day of January 1929.

11. Easements

- (1)
- (2) The Board may subject to any existing tenancy grant easements over all land vested in it.
- (3)

12. Land not required

- (1) Where any land held by the Board under this Act and not at any time granted as provided in Part III is not in the opinion of the Board required for the purposes of this Act, the Board may, subject to section twelve A –

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- (a) if the Board acquired it under the *Public Authorities' Land Acquisition Act 1949* or the *Land Acquisition Act 1993*, sell it to any person, by auction or public tender and shall, in respect of any such sale, have the powers conferred on trustees by section sixteen of the *Trustee Act 1898*; or
 - (b) if vested in the Board under section nine of this Act, surrender it to the King and upon registration of the instrument of surrender the land surrendered shall be held subject to the *Closer Settlement Act 1957*.
- (2) Where land granted as provided in Part III has reverted to the Board by surrender, forfeiture, or escheat, and the Board declares that it is impossible to dispose of it as provided in section thirty-two, the Board shall –
- (a) sell the land as trustee for all persons interested therein, including the person entitled to tenant right under section twenty-seven and to compensation under section twenty-seven A, whose claims therefor are a charge on the proceeds of sale; or
 - (b) surrender it to the King, and upon registration of the instrument of surrender the land surrendered shall be held subject to the *Closer Settlement Act 1957*.

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12A. Land not to be disposed of until first offered to original owner

- (1) Before the Board sells any land pursuant to subsection (1) of section twelve it shall, if the land is land that was acquired by compulsory process under the provisions of the *Public Authorities' Land Acquisition Act 1949* or the *Land Acquisition Act 1993*, first offer to sell that land to the person from whom it was originally acquired by the Board.
- (2) If a person to whom an offer is made under subsection (1) of this section refuses to purchase the land, or if he or his agent cannot, after diligent inquiry, be found, the Board may sell the land to such person as it thinks fit in accordance with the provisions of section twelve.
- (3) If, on an offer under subsection (1) of this section being made to a person, that person declines the offer or for thirty days after the day on which the offer is made neglects to signify his desire to purchase the land, the right of pre-emption of that person shall cease.
- (4) For the purposes of this section, a statutory declaration by the chairman of the Board stating that an offer was made under this section and was refused or not accepted within thirty days after the day on which the offer was made, or that the person to whom the offer was made or all the persons entitled to the right of pre-emption is or are out of the State or cannot, after diligent inquiry, be found, or is or are not capable of entering into a contract for the

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purchase of the land, shall be sufficient evidence of the facts stated in the declaration.

- (5) If any person who is entitled to a right of pre-emption under this section is desirous of purchasing the land and that person and the Board do not agree as to the price thereof, the price shall be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993* as if the Board were the claimant.
- (6) A person on whom a right of pre-emption is conferred by this section may at any time release that right so as to discharge in perpetuity the land or any part thereof to which the release relates from that right of pre-emption.
- (7) On payment or tender to the Board of the purchase money agreed on or determined as provided by this section, the Board shall convey the land to the purchaser thereof.

13. Board's freedom from rates

The Board shall be liable to pay rates and taxes raised or levied by any local authority or any body of a public or semi-public nature constituted under statutory authority in respect of lands vested in it for the purposes of this Act, and to which no tenant has title if such lands are worked for profit by or on behalf of the Board, but save as aforesaid the Board shall not be liable to any such rate or tax other than a rate or tax for any service actually rendered or supplied by any such local authority or body.

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PART III – LAND SETTLEMENT

Division I – Settlement grants

13A. Registration

- (1) The Board shall register all persons who are otherwise eligible and who have applied to the Board to participate in war service land settlement under this Act before the last date determined by the Board, with consent, for that purpose.
- (2) The Board may determine different dates for the purpose of this section in respect of different classes of persons.

14. Holdings to be offered to suitable applicants

- (1) As holdings become available for occupation by tenants the Board shall offer each one to some eligible person considered by the Board to be suitable for settlement immediately.
- (2) In each such offer the Board shall specify –
 - (a) the holding;
 - (b) the rent;
 - (c) the amount a tenant will have to pay under section twenty-six;
 - (d) the special conditions, if any, the Board intends to impose;

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- (e) whether or not the Board reserves the right to obtain an increase of rent under section nineteen;
 - (f)
 - (g) the time for which the offer is open.
- (3) The Board shall not offer a holding to another person while such an offer is open.

15. Notice of allotment

- (1) Upon acceptance of such an offer the Board shall, by notice, allot the holding to the acceptor, and shall specify in the notice the holding allotted, the rent, and any special conditions imposed, and state whether or not the Board reserves the right to obtain an increase of rent in accordance with the provisions of section nineteen, as the acceptor has accepted them.
- (2) Upon such allotment the acceptor may enter as tenant at will upon the terms and conditions to be included in the grant of the holding under section seventeen, and shall be left in quiet possession so long as he observes those terms and conditions.

16. Transitory provisions

- (1) Where an eligible person considered by the Board to be suitable for settlement immediately has entered upon a holding in pursuance or purported pursuance of a temporary licence under section 42 of the *Crown Lands Act 1976*

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Part III – Land Settlement

he shall be deemed to have been offered and to have accepted the holding in accordance with section fourteen, and shall be entitled to a notice of allotment under section fifteen accordingly.

- (2) Where at the time when any such person so entered, the Board had not specified to him all the matters mentioned in paragraphs (b), (c), (d), (e), and (f) of subsection (2) of section fourteen, it may, not later than one month before the expiry of his temporary licence, make him a supplementary offer in respect of the matters not specified, and if he does not within one month after the supplementary offer is made give possession of the holding to the Board he shall be deemed to have accepted the offer constituted by the terms on which he entered and the supplementary offer and be entitled to a notice of allotment under section fifteen accordingly.
- (3) The Board shall not be bound to give a notice of allotment while it is entitled to make a supplementary offer under this section.
- (4) If a person to whom a supplementary offer is made under subsection (2) of this section gives the Board possession as provided therein, he shall be entitled to compensation by the Board for disturbance.

17. Settlement grants

- (1) As soon as practicable after the Board's allotment in accordance with section fifteen the Board shall by memorandum of grant in accordance with the form in Schedule 1

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registered under the *Land Titles Act 1980* grant the holding to the tenant his heirs and assigns to hold of the Board for ever –

- (a) at the rent specified in the notice of allotment with such addition (if any) as is provided in section nineteen;
 - (b) upon the conditions in this Act provided; and
 - (c) any special conditions specified in the notice of allotment.
- (2) No tenant shall be entitled to such a grant while he is failing to perform any conditions of his tenancy or if he has been ejected for such a failure.
- (3) If before the registration of such a grant the tenant has entered under section fifteen, the grant shall for the purpose of all times under it, including those for payment of rent and other moneys, relate back to the date of entry, a mention of which shall be made in the memorandum of grant.
- (4) For the purposes of subsection (3) of this section, where the tenant has entered as provided in section sixteen that entry shall be deemed entry under section fifteen.

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Division II – Rent

18. Rent

The rent to be specified in the Board's offer under section fourteen shall be such that allowing for all payments to be made by the tenant under this Act and in the normal course of working the holding he will be assured of a reasonable standard of living even though he begins with no capital.

19. Additional rent

- (1) Where at the time of the Board's allotment under section fifteen the holding lacks some of the improvements considered necessary by the Board for the working of the holding, the Board may –
 - (a) with its officers, servants, agents and licensees enter on the holding from time to time and carry out such improvements; or
 - (b) agree with the tenant that he will make such improvements at the Board's expense.
- (2) The Board shall determine the cost of improvements done under subsection (1) of this section, either as they are done or when they have all been done, and the annual rent payable shall, if the Board has reserved its right thereto

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in notifying the tenant of its allotment of the holding, be increased by one-fortieth of –

- (a) the cost so determined; or
 - (b) where anything is payable under section twenty-six in respect of an improvement so done, the amount remaining after subtracting from the cost so determined the amount payable under section twenty-six.
- (3) If the grant under section seventeen is made before the completion of all such improvements, the Board may, if the grant so provides, cause to be registered a memorandum of increase of rent, and thereupon the rent payable under the grant shall be increased accordingly.

20. First year rent free

- (1) The Board shall not demand or receive rent in respect of the period between the allotment of a holding to a tenant and the end of the first year after his entry thereon by virtue of the allotment.
- (2) During this period the tenant shall pay to the Board the net income derived by him from the holding, without any deduction for his own exertions.
- (3) The Board shall credit payments under the last preceding subsection against any future obligation of the tenant in respect of advances for working capital, stock, plant, and equipment, in respect of payments outstanding under

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subsection (2) of section twenty-six and in respect of rent in a proportion to be determined by the Board.

- (4) The Board may, where it thinks it to the tenant's advantage, waive payment of all or part of the sum payable by him under this section.
- (5) Where the tenant has entered as provided in section sixteen, the date of the temporary licence shall be deemed the date of allotment, and that entry the entry, for the purposes of subsection (2) of this section.
- (6) This section shall apply only –
 - (a) to the first tenancy of a holding; and
 - (b) to any subsequent tenancy arising by allotment to an eligible person if the Board has, with consent, so stated in its offer before allotment.

21. Payment of rent

- (1)
- (2) The annual rent shall be paid in respect of a year ending on the last day of June and shall be payable in two equal payments on or before the first day of July, and the first day of January in every such year, but where a tenancy commences on a day other than the first day of July the rent payable in respect of the period between the end of the first year from the entry of the tenant under his tenancy and the thirtieth

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day of June next following shall be a proportionate part of the annual rent.

- (3) The rent reserved on any tenancy shall be a debt due to the Board from the tenant.

Division III – Conditions

22. Residence

- (1) It shall be a condition of every tenancy that the tenant shall reside on his holding for a period of six years commencing within three months of its allotment to him by the Board.
- (2) This condition shall be performed by the continuous and *bona fide* personal residence of the tenant on the holding.
- (3) The holding or any interest therein shall not during the currency of the condition be capable of –
- (a) being mortgaged except to TDR; or
 - (b) transfer, whether by operation of law or otherwise, except in the case of the death or insanity or incapacity by reason of serious illness, accident, infirmity, or misfortune of the tenant or except by TDR pursuant to a power of sale under a mortgage given under this subsection.
- (4) The following provisions shall be applicable to tenancies during the currency of the condition:

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- (a) If the tenant dies during the currency of the condition it may be performed by the continuous and *bona fide* residence on the holding of some person beneficially interested in the holding under the will or as one of the next-of-kin or as the spouse or caring partner of the deceased tenant or of a bailiff approved by the Board;
- (b) If during the currency of the condition a guardianship order or an administration order under the *Guardianship and Administration Act 1995* is in force, the Board may allow it to be performed by the continuous and *bona fide* residence on the holding of the spouse, caring partner or some other member of the family of the tenant or a bailiff approved by the Board;
- (c) If the tenant dies or becomes subject to an order mentioned in paragraph (b) during the currency of the condition, the Board may, on the application in that behalf made by the personal representative of the deceased tenant, or the administrator of the estate of the tenant, as the case may be, approve of the transfer of the holding to a specified person;
- (d) If the tenant becomes incapacitated, by reason of serious illness, accident, infirmity, or misfortune, from complying with the condition he may apply to the

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Board for such relief as is provided in this paragraph and the Board may –

- (i) allow the condition to be performed by the continuous and *bona fide* residence on the holding of the spouse, caring partner or some other member of the family of the tenant or a bailiff approved by the Board;
 - (ii) suspend the operation of the condition for any period that the tenant is receiving such medical, surgical, or other treatment as requires his absence from his holding; or
 - (iii) with consent approve a transfer of his holding by the tenant to a specified person;
- (e) In the case of a transfer being approved under paragraph (c) or paragraph (d) the transferee is not bound to perform the condition.

23. Conditions of good husbandry

- (1) It shall be a condition of every tenancy –
 - (a) that the tenant will keep in good repair the boundary fence of the holding and all improvements thereon in which the tenant cannot have tenant-right;

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- (b) that the tenant will comply with the provisions of the *Vermin Destruction Act 1950* and the *Noxious Weeds Act 1938*;
- (c) that the tenant will farm, cultivate, manure, and manage the holding in a good and husband-like manner according to the most approved methods of husbandry in the district so as to keep the whole at all times in good heart and condition and will not allow any part to become impoverished or otherwise;
- (d) that the tenant will use the holding primarily for animal husbandry with such types of livestock as are suitable to the holding and that he will maintain not less than three-fifths of the arable land as improved pasture suitable for the grazing of such livestock;
- (e) that where there is an orchard or garden commercially productive the tenant will keep it properly cultivated, planted, stocked, and manured and in neat order and will preserve and keep well pruned and trained all fruit trees, bushes, vines, and shrubs therein and will plant fresh ones of the best description of the several kinds in the place of those dying or becoming decayed or unprofitable and will comply with the provisions of the *Plant Diseases Act 1930*;
- (f) that the tenant will repair and keep in repair, or when necessary, replace, the

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farmhouse and all other improvements in which he can have tenant-right and which are necessary for the working of the holding except where the need for repair or replacement is the result of damage by an act of God or a fire which was not caused wilfully or negligently by the tenant and for which no other person is liable to the tenant in damages;

- (g) that the tenant will control all live fences upon his holding;
- (h) that the tenant will at all times keep open, clean, and clear of weeds all rivulets, drains, ditches, and water-channels on his holding;
- (j) that the tenant will maintain and protect all existing wind breaks and shelter belts and will plant, maintain, and protect any other wind breaks and shelter belts when required by the Board so to do;
- (k) that the tenant will preserve from injury all timber and timber-like trees and saplings on the holding and will not without the consent of the Board and payment of such royalty as may be agreed upon between the Board and the tenant fell or destroy any such timber or timber-like trees or saplings;
- (l) that the tenant will perform and observe any special conditions imposed by the Board and specified in the notice of

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allotment for maintaining or improving the fertility of the soil of the holding, which conditions may provide for –

- (i) preserving or restoring the natural cover of the soil;
 - (ii) regulating the time, mode, and direction of ploughing;
 - (iii) restraining burning-off;
 - (iv) restoring the soil by manuring, and adding fertilizers and salts; and
 - (v) any other courses or operations that will, in the opinion of the Board, ensure to subsequent tenants the same enjoyment of the holding as is proper for the first tenant;
- (m) that the tenant will comply with any regulation made for the purposes of this section;
- (n) that the Board and any person authorized by it may, after notifying the tenant of the intention of so doing, at all reasonable times enter and inspect the holding;
- (o) that if the tenant at any time fails to perform the conditions contained in paragraphs (a) and (f) of this section the Board may, without prejudice to its right

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of re-entry under section thirty, enter upon the holding and make any such repairs and replacements as the tenant ought by reason of these paragraphs to make and the cost thereof shall be paid by the tenant to the Board; and

- (p) that if the tenant at any time fails to perform the conditions contained in this section for keeping the holding free from noxious weeds and plants, and keeping clean and open rivulets, drains, ditches, and water-channels, the Board may, without prejudice to its right of re-entry under section thirty, enter upon the holding and do any of those things as the tenant ought to do them and the cost thereof shall be paid by the tenant to the Board.
- (2) Where in any offer, notice of allotment, or grant under sections fourteen, fifteen, and seventeen the words “as an orchard” or “as a garden” are used to qualify the tenancy thereby offered or created the condition contained in paragraph (d) of subsection (1) shall not apply to that tenancy.

24. Waste

- (1) Every tenant shall be liable for waste in the same way as tenants for years.
- (2) For the purposes of this section the *Landlord and Tenant Act 1935* shall be deemed not to have been made.

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- (3) Nothing in this section affects the construction of the *Landlord and Tenant Act 1935*.

Division IV – Improvements

25. Definitions

For the purposes of this Division –

structural improvements means any house, cottage, barn, stable, cowshed, hayshed, woolshed, garage, fowlhouse, or other kind of building, bridge, road, fence, yard, gate, wall, tank, dam, dip, weir, windpump, well, or other similar improvements annexed to a holding and includes any wind breaks and shelter belts planted by the tenant in accordance with paragraph (j) of subsection (1) of section twenty-three;

capital value of structural improvements means their capital value determined so as to be –

- (a) their value at the date of termination of the title of the outgoing tenant;
- (b) their value to any incoming tenant; and
- (c) not in excess of the cost (assessed according to the current value of money) of making the improvements; and

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outgoing tenant means a tenant who has transferred, surrendered, or forfeited his holding or the personal representative of a deceased tenant whose holding has escheated to the Board, as the case may require.

26. Tenant to acquire structural improvements

- (1) A tenant to whom a holding is allotted under section fifteen or re-allotted under section thirty-one or section thirty-two shall pay to the Board the capital value of all structural improvements thereon –
 - (a) existing at the time of allotment or re-allotment; or
 - (b) done thereafter under section nineteen –which capital value shall be determined by the Board as if it were an outgoing tenant.
- (2) Notwithstanding anything contained in subsection (1) of this section, a tenant to whom a holding is allotted under section fifteen or re-allotted under section thirty-two is not liable to pay the Board, in respect of structural improvements done by it or at its expense, more than their capital value determined as on the first day of July 1946.
- (3) The tenant may make payment on terms and conditions laid down by the Board with consent, and the Board may notwithstanding anything

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contained in section twenty-two take a mortgage over the holding to secure the payment.

27. Tenant-right: When it arises: Its nature

- (1) Upon the transfer, surrender, forfeiture, or escheat of any holding the outgoing tenant shall have tenant-right in structural improvements upon the holding transferred, surrendered, forfeited, or escheated.
- (2) A person in whom tenant-right is vested shall be entitled to receive –
 - (a) in the case of a transfer, from the transferee; and
 - (b) in the case of a surrender, forfeiture, or escheat, from the Board –

the capital value of the improvements subject to that right.

- (3) The capital value of the improvements subject to the tenant-right shall be determined by the Board and the amount so determined shall upon registration of a memorandum thereof be and remain a charge on the holding until payment thereof.
- (4) Notwithstanding anything contained in subsection (2) of this section, where a holding is surrendered or forfeited or escheats to the Board within the period of ten years mentioned in subsection (1) of section twenty-two, and the capital value of improvements subject to the

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tenant-right as determined by the Board at the date of the surrender, forfeiture, or escheat exceeds the amount payable therefor under subsection (2) of section twenty-six, the Board shall not be liable to pay more than the amount payable under subsection (2) of section twenty-six plus, for every completed year of that period, one-tenth of the difference between the amount payable under subsection (2) of section twenty-six and the capital value as determined by the Board at the date of the surrender, forfeiture, or escheat.

- (5) Where in a case to which subsection (4) of this section applies there is a difference in nature, condition, or number between the structural improvements as they existed on the allotment of the holding and as they existed at the date of the surrender, forfeiture, or escheat an adjustment shall be made therefor as determined by the Board.
- (6) Where after the commencement of the *War Service Land Settlement Act 1960* –
 - (a) a holding is allotted or re-allotted to an eligible person; and
 - (b) that person has the benefit of subsection (2) of section twenty-six in respect of structural improvements –

the capital value of those improvements shall be deemed, as between the Board and that person or his successor in title to be their capital value as on the first day of July 1946.

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(7)

27A. Compensation for non-structural improvements

Where the Board is liable to make payment under subsection (2) of section twenty-seven and the holding has, since the grant under which the outgoing tenant held, undergone substantial improvement in which there is no tenant-right, the Board shall compensate the person entitled to tenant-right therefor to an extent not in excess of the enhancement of the Board's reversion thereby.

Division V – Reversion of holdings to the Board

28. Surrender

Any tenant may surrender his holding to the Board by registered transfer.

29. Emblements

- (1) In lieu of any right to emblements against the Board, the Board shall pay to the person entitled thereto compensation equal to the value of the crop the subject of the right at the time the right would otherwise have arisen.
- (2) A similar right to compensation shall arise upon the surrender or forfeiture of a tenancy.
- (3) The amount of all such compensation shall be determined by the Board.

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- (4) Upon the allotment by the Board of a holding under section fifteen the tenant shall be liable to pay the Board an amount equal to the value, as determined by the Board, of all then existing crops capable of becoming emblements, but he shall not be bound to make payment before receiving the profit from the crops or before the expiration of twelve months from the day of allotment, whichever is the sooner, if upon request for payment by the Board he secures the same by mortgage of the crops under section four of the *Stock, Wool, and Crop Mortgages Act 1930*.

30. Board's right of re-entry

The Board may re-enter and determine the tenancy of any holding –

- (a) subject to section fifteen of the *Conveyancing and Law of Property Act 1884*, upon breach of any condition of the tenancy; and
- (b) subject to the jurisdiction of courts of equity in such cases, if the rent is six months in arrear.

31. Intestacy

- (1) Upon the death of a tenant intestate and without leaving a spouse, caring partner or any children or remoter issue him surviving, his holding shall escheat to the Board.

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- (2) The Board, in such case, may, with consent, re-allot the holding to any person residing with or wholly or partially dependent on the deceased tenant at the time of his death.

32. Re-allotment

Subject to section thirty-one, upon any holding reverting to the Board by surrender, forfeiture, or escheat the Board shall with consent and as prescribed re-allot the holding to an eligible person.

33. Saving of Board's rights

Surrender, forfeiture, or escheat of a holding shall not operate to extinguish any liability of the tenant to the Board.

Division VI – Transfers, mortgages, &c.

34. Disposition of holdings

Except in cases to which sections twenty-two and twenty-eight apply any dealing with his holding by a tenant otherwise than by will shall unless done with consent be ineffective to pass any estate or interest whatsoever.

35. Restraint on alienation to companies, &c.

- (1) No body corporate shall be capable of enjoying any state of freehold or term of years, at law or in equity, in any holding for its own use and

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benefit, and any disposition whatsoever which would otherwise have this effect shall result in a use or trust in favour of the Board for the purposes of this Act.

- (2) The provisions of subsection (1) do not apply to a body corporate to which a disposition of an estate of freehold or term of years in a holding is made with the approval in writing of the Board if all moneys owing in respect of the holding to the Board and to such other persons as the Board may direct are paid on or before the completion of the disposition.

36. Duties of subsequent tenants

Every tenant of a holding shall be bound to pay the rent reserved on the tenancy thereof and to perform and observe all the conditions of the tenancy.

Division VII – Purchase of absolute freehold

37. Purchase price

The purchase price of a holding for the purpose of this Division shall be a sum determined by the Board with consent but not more than the capital cost to the Board of the holding, excluding the amount payable for improvements under section twenty-six.

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38. Purchase of absolute freehold

- (1) A tenant who at any time after the grant of his holding under section seventeen and more than six years after its allotment under section fifteen tenders the purchase price of the holding and all other moneys payable by him to the Board under this Act, shall be entitled to receive from the Board a release in accordance with this section.
- (2) Such a release shall be by memorandum of release in accordance with the form in Schedule 2 registered under the *Land Titles Act 1980* and upon the registration thereof the Board's rights in the holding shall be extinguished and the tenant shall hold immediately of the King free and discharged from all and any mortgage charge rent re-entry reversion escheat lordship or other right of the Board touching the holding.

39. Purchase deposit accounts

- (1) A tenant may deposit with the Board an amount of \$20 or any multiple of \$20 which shall be credited to an account to be opened in the name of the tenant called a "purchase deposit account".
- (2) All amounts which are deposited with the Board from time to time as aforesaid shall be credited with compound interest, calculated yearly at the thirtieth day of June at the rate fixed for that year by the Board by notice published in the *Gazette* more than one year before the date of calculation, or in default of any such notice at the rate last so fixed.

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- (3) The deposits and interest accumulated in a tenant's purchase deposit account shall be available in payment of any rent, interest or other moneys payable to the Board by the tenant and if the tenant makes default on payment thereof the Board may appropriate the deposits and interest or any portion thereof accordingly.
- (4) When a tenant ceases to hold as such by death, transfer, or otherwise he or his personal representative shall be entitled, subject to any appropriation by the Board under subsection (3) of this section to payment of the amount standing to the credit of his purchase deposit account.

Division VIII – Conveyancing provisions

39A. Vesting proclamations to contain plans

Every proclamation under section 8 or subsection (2) of section nine shall contain or set out in a schedule a plan of the land thereby reserved or vested in the Board.

39B. Surveyor-General to supply plans of resumed lands

If so requested by the Recorder of Titles the Surveyor-General shall supply him with a plan verified by the Surveyor-General of any land vested in the Board by subsection (1) of section nine.

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39C. Plans to be lodged with requests to register

- (1) Every request of the Board under subsection (4) of section nine shall be accompanied by a plan of the land to be registered, which plan shall be lodged with the Recorder of Titles.
- (2) Every plan referred to in subsection (1) of this section shall be verified by a registered surveyor as in conformity with the plan contained or set out in the relevant proclamation.

39D. Issue of certificates of title

Upon registration of the Board as proprietor under subsection (4) of section nine, the Recorder of Titles may issue to the Board a certificate of title accordingly.

39E. Registration of grants

In respect of every memorandum of grant presented for registration, the Board shall deliver up the grant, if any, or certificate of title, if any, of the land mentioned in the memorandum, and the Recorder shall, after registering the grant, create a folio of the Register kept under the *Land Titles Act 1980* for the fee farm estate granted.

39F. Charge of tenant-right of land

A memorandum charging tenant-right on a holding under section twenty-seven given by a transferee shall, subject to section thirty-nine G, be in accordance with the form in Schedule 5,

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and shall be presented for registration in duplicate.

39G.

39H. Re-entry by the Board

The Recorder shall, upon proof to his satisfaction that the Board has –

- (a) re-entered and recovered possession of any holding by any proceeding in law; or
- (b) re-entered any holding –
 - (i) in accordance with section thirty; or
 - (ii) pursuant to its escheat to the Board –

record the re-entry on the relevant folios of the Register kept under the *Land Titles Act 1980*.

39J. Release of seigniority

- (1)
- (2) Upon presentation of a memorandum of release for registration, the Board shall deliver up its own grant, if any, or certificate of title, if any, of the land being released, and the tenant shall deliver up the tenant's certificate of title, if any, thereof.

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(3) The Recorder shall, after registering the release, cancel the folios of the Register kept under that Act for the Board's estate in the land and the fee farm estate, to such extent as is necessary to give effect to the release, and create a folio of that Register for the land mentioned in the release.

(4 - 5)

39K. Fees

(1)

(2) No contribution to the Assurance Fund and no fee to the Recorder of Titles shall be payable by the Board in respect of the registration of land under section nine.

(3)

Division IX – Acceleration of absolute freehold

39L. Acceleration of purchase, &c.

(1) Where a tenant has before the allotment to him of his holding by the Board been in occupation under subsection (2) of section ten of the same land, the periods of six years mentioned in section twenty-two and section thirty-eight shall be deemed to have ended when the tenant has been in occupation of that land for eight years continuously, whether under subsection (2) of section ten, under subsection (2) of section fifteen, or under his tenancy.

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- (2) If, before the allotment to a tenant of his holding and before he went into occupation of the same land under subsection (2) of section ten, a tenant has been in occupation of other land under that subsection, such occupation of the other land shall for the purposes of subsection (1) of this section be reckoned as occupation of the same land and no period of less than twenty-one days elapsing between one occupation and the next shall be deemed to break the continuity of its occupation.
- (3) If the period of eight years mentioned in subsection (1) of this section expires before the seventh day after the allotment to the tenant of his holding it shall be deemed to expire on that seventh day.
- (4) If it appears to the Minister just so to do he may, after consulting the Board, by notice in the *Gazette*, shorten the period of eight years for a tenant and appoint a day on which it shall be deemed to have expired.

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Part IV – Finance

PART IV – FINANCE

Division I –

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Division II –

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Division III – Validation of transactions

55. Public moneys

- (1) No transaction recorded in the public accounts before the first day of July 1950, shall be re-opened merely because of some invalidity in the repealed Acts or any of them.
- (2) In respect of the financial year current at the commencement of this Act all public moneys received or expended in purported pursuance of the Acts repealed by this Act or any of them shall be deemed to have been received or expended for the purposes of this Act.

56. Disposal of Commonwealth and State War Service Land Settlement Agreement Act Account

The Treasurer shall transfer the balance at the commencement of this Act of the account in the Treasury called the “Commonwealth and State War Service Land Settlement Agreement Act

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Account” to the account called the “War Service
Land Settlement Act Account”.

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Part V – Validation of Transactions

PART V – VALIDATION OF TRANSACTIONS

57. Validation of certain resumptions and provisions for compensation

- (1) The notifications published in the *Gazette* specified in the third schedule purporting to resume the lands respectively described in the schedules to such notifications under the *Lands Resumption Act 1910* shall be deemed as from the respective dates of publication of such notifications in the *Gazette* to have been effective to vest such lands in His Majesty, freed and discharged from all estates and interests of any person therein.
- (2) The owners of such lands shall be entitled to compensation under the *Lands Resumption Act 1910*; and any amount purporting to have been paid as compensation in respect of the resumption of any such lands, and which has been so paid prior to the commencement of this Act shall to the extent thereof operate as a satisfaction of any claim for compensation in respect of such lands arising out of the operation of this Act.
- (3) Notwithstanding the provisions of subsection (2) of this section –
 - (a) the value of the land for the purpose of determining compensation shall not exceed the value of the land without buildings, fences, or other structural improvements as on the tenth day of February 1942, together with the value at

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the time of making the determination of the buildings, fences, and other structural improvements; and

- (b) no compensation shall be payable to any person who has before the commencement of this Act received money purporting to be the full compensation payable under the *Lands Resumption Act 1910* in respect of the land of which he is divested by this section:

Provided that if this subsection is in itself invalid or this Act or any enactment herein is by reason of this subsection invalid, this Act shall be read and construed as if this subsection were omitted.

58. Validation of a certain grant and notification

- (1) The grant of land registered as folium 72 of volume 211 is hereby confirmed.
- (2) The notification of acquisition of 2329 acres of land in the Parishes of Ulva and Staffa, County of Monmouth, published in the *Gazette* of 31st August 1949, at page 2521 shall be deemed to be of full force and effect to vest the land described therein in His Majesty, and may be annulled by a subsequent notification in the *Gazette* under section sixteen of the *Lands Resumption Act 1910* although the period of time therein limited for the purpose has expired.

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Part V – Validation of Transactions

59. Indemnity in criminal proceedings

It shall be a good defence to any person charged with any crime or offence committed before the commencement of this Act that the act charged would have been justifiable under the repealed Acts or any of them if they had been of full force and effect according to their tenor and that he believed it to be so, and that he so believed his unsworn statement shall be conclusive proof.

60. Preservation of supposed existing rights of property between Crown and subject

- (1) No action shall lie against the Crown or against any servant or agent of the Crown for any trespass *vi et armis* to person, land or goods, for any disseisin, for any detention or conversion of goods, or for the return of any money, where the trespass, disseisin, conversion or receipt of goods or money was in purported pursuance of the repealed Acts or any of them.
- (2) No such action by the Crown or any servant or agent of the Crown suing on behalf of the Crown shall be defended on the ground that the defendant is entitled to re-enter, recapture or retain the land, goods or money the subject of the action by reason of some invalidity in the repealed Acts or any of them.

61. Preservation of rights of strangers

In actions between private persons no plaintiff shall be barred of his claim and no defendant of

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his defence on the ground of any invalidity in the repealed Acts or any of them.

62. Preservation of omitted rights until Parliament can deal with them

- (1) If the Governor receives a petition from any party to an action showing that he is unjustly harmed by the invalidity of the repealed Acts or any of them or by the operation of this Division, the Governor may by writ issued pursuant to an order-in-council prohibit the court in which the action is brought from proceeding further until His Majesty's pleasure is known, and that court shall stay the proceedings accordingly.
- (2) If the Governor issues such a writ he shall forthwith transmit the petition to Parliament for the making of a remedy.
- (3) If no remedy is given by Parliament within the next twelve sitting days of the two Houses the other party shall be entitled as of course to a writ to continue the proceedings.

63. Confirmation of reservations

Every notice purporting to be given under section five of the *Commonwealth and State War Service Land Settlement Agreement Act 1945* which would be in force if that Act were in all points valid shall be deemed to be given on the commencement of this Act under section five hereof.

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Part V – Validation of Transactions

64. Refusal to deliver up lands

If any person in possession of any land vested in the Board under subsection (1) of section nine refuses to give up possession of the land or hinders the Board or any person authorized by the Board from taking possession of the land a judge may on the application of the Attorney-General grant a warrant authorizing the sheriff to deliver possession of the land to the Board.

65. Protection of trustees

A trustee shall not be deemed to be or to have been guilty of any breach of trust or breach of duty by reason only of the fact that –

- (a) he has, before the commencement of this Act, agreed not to claim compensation in respect of land resumed from him under the *Lands Resumption Act 1910*, purportedly for the purposes of the *Commonwealth and State War Service Land Settlement Agreement Act 1945*, in excess of the amount offered by the Crown;
- (b) he has, before the commencement of this Act, agreed to accept and has accepted as the purchase price for any land purchased from him under the *Lands Resumption Act 1910*, purportedly for the purposes of the *Commonwealth and State War Service Land Settlement Agreement Act 1945*, the amount offered by the Crown.

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In this section *trustee* includes personal representative of a deceased person, committee of the estate of a lunatic or idiot, the quasi-committee under section one hundred and fifty-five of the *Supreme Court Civil Procedure Act 1932* of the estate of any person, committee appointed under the *Mental Health Act 1963*, administrator of a convict's property, judge and Registrar of the Supreme Court, tenant for life under the *Settled Land Act 1884*, person with the powers of a tenant for life under that Act, attorney, mortgagee, director of a company, and any other person acting in any fiduciary capacity.

66. Interest

- (1) Notwithstanding the provisions of any other Act no interest shall be payable in respect of any compensation money owing to the owner of any lands described in the third schedule except as provided in this section.
- (2) The compensation money payable to the owner of any such lands shall bear interest at the rate of four per cent per annum from the date on which vacant possession was or is given to the Minister to the date of payment of the compensation money or to a date twelve months after the commencement of this Act whichever is the earlier.

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s. 67

Part V – Validation of Transactions

67. Costs

- (1) All reasonable costs incurred by reason of any vesting of land by operation of this Act shall, subject to taxation by the Registrar of the Supreme Court, be paid by the Crown save in the case of an appeal: Provided that the total amount of such costs shall not in any case exceed \$100.
- (2) Any amount purporting to have been paid as costs in respect of the resumption of any such land and which has been so paid before the commencement of this Act shall operate as a satisfaction of any claim for costs arising under this Act.
- (3) Upon the discontinuance of any action against the Crown or its officers relating to the resumption of land vested in the Board by subsection (1) of section nine the Court may if it considers that the action was properly brought and by reason of this Act alone properly discontinued award the plaintiff all or part of his costs.

67A. Validation of certain leases

Where before the commencement of the *War Service Land Settlement Act 1968* the Board has let proposed holdings to intending tenants for a period of one year and thereafter from year to year and not at will as provided in subsection (2) of section ten, the leases granted and accepted in those cases shall be deemed good under and for the purposes of that subsection and shall be effective according to their tenor.

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Part VI – Miscellaneous

s. 68

PART VI – MISCELLANEOUS

68. War Service Land Settlement Appeal Board

- (1) There shall be a body called the War Service Land Settlement Appeal Board consisting of three persons appointed by the Governor of whom –
 - (a) one shall be a Police Magistrate and shall be the chairman of the board;
 - (b) one shall be nominated by His Majesty's Minister of State for the Commonwealth thereto authorized; and
 - (c) one shall be nominated by the State Branch of the Returned Soldiers', Sailors', and Airmen's Imperial League of Australia.
- (2) The chairman shall hold office during the Governor's pleasure and the other members shall hold office for three years and shall be eligible for re-appointment.
- (3) The chairman and members shall receive such salaries and allowances as are prescribed.

69. Jurisdiction of the Appeal Board

- (1) Any person who is aggrieved by a determination of the Board under section twenty-seven or section twenty-nine may in the prescribed manner appeal to the War Service Land

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s. 69A

Part VI – Miscellaneous

Settlement Appeal Board against that determination.

- (2) The Appeal Board shall arbitrate between the Board and the person aggrieved upon the matter submitted as prescribed to it, in accordance with the *Commercial Arbitration Act 2011* as if the parties had agreed in writing that the matter be referred to it for arbitration.

69A. Transfer of functions and powers under this Act to Tasmania Development and Resources

- (1) On and after the day fixed by proclamation under section 2 (2) of the *Tasmanian Development Act 1983* –
- (a) all functions, powers, rights, obligations, and liabilities of the Closer Settlement Board under this Act as existing immediately before that day shall be transferred to the Tasmanian Development Authority; and
 - (b) references in this Act to the Closer Settlement Board shall be read as references to TDR.

70. Regulations

The Governor, on the recommendation of the Board, may make regulations in respect of the several matters required to be prescribed by this Act and also regulations –

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- (a) for the determination by the War Service Land Settlement Appeal Board of any difference between the Board and a tenant not otherwise provided for in this Act;
- (b) prescribing any forms required for the purposes of this Act or for any dealings in land thereunder;
- (c)
- (d) for the ascertainment and recovery of moneys payable under section twenty with power to impose penalties not exceeding 20 penalty units for failure to keep the prescribed books, vouchers, and records, to bank moneys received, or to make the prescribed return of income;
- (e) for relaxing with consent any requirement of section twenty-two; and
- (f) for the purposes of section twenty-three prescribing anything which might be made a special condition under paragraph (1) of subsection (1) of that section generally or in respect of any particular district or holding.

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sch. 1

SCHEDULE 1 – MEMORANDUM OF GRANT

Section 17

Form

Tasmania.

MEMORANDUM OF GRANT

(Under the War Service Land Settlement Act 1950)

Tasmania Development and Resources being registered proprietor of an estate in fee simple free of incumbrances in that piece of land situated in the County of _____ containing (here state the area), be the same a little more or less (exclusive of roads intersecting the same *if any*) (*here state rights of way, privileges, or easements, if any, intended to be conveyed*). [*If the land to be dealt with contains all that is included in an existing grant or certificate, refer thereto by description and diagram, otherwise set forth the boundaries in chains, links, or feet, and refer to a plan thereof on margin of, or annexed to, the grant or deposited in the Registry Office*], doth hereby grant to A.B. of (*here insert description*), all the said land to be held by the said A.B., his heirs, and assigns of the Authority for ever, at the yearly rental of \$ _____ [plus (*here insert provisions for any additional rent under section 19, if required*)], subject to the provisions of the *War Service Land Settlement Act 1950* [and to the following special conditions (*here set forth the special conditions, if any*)].

In witness whereof the common seal of Tasmania Development and Resources has been hereunto affixed this
day of _____ 19 ____ .

(L.S.)

(Common seal of Tasmania
Development and Resources)

War Service Land Settlement Act 1950
Act No. 82 of 1950

sch. 2

SCHEDULE 2 – MEMORANDUM OF RELEASE

Section 38

Form

Tasmania.

MEMORANDUM OF RELEASE

(Under the War Service Land Settlement Act 1950)

Tasmania Development and Resources having the lordship of that piece of land situated in the County of containing *(here copy the area and description from the memorandum of grant)*, by virtue of a memorandum of grant registered *(here identify the memorandum)* [and *(here set out any incumbrances intended to be discharged)*], in consideration of the sum of paid to the Authority by *A.B.*, its tenant of the said land, the receipt of which sum it hereby acknowledges doth hereby release the said *A.B.*, his heirs, and assigns from all its rights in and touching the said land [and acknowledges the discharge of the aforesaid *(incumbrances)*].

In witness whereof the common seal of Tasmania Development and Resources has been hereunto affixed this day of 19 .

(L.S.)

(Common seal of Tasmania
Development and Resources)

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sch. 3

SCHEDULE 3

Sections 9 and 57

County	Parish	Area			Gazette Date	Page
		A.	R.	P.		
King Island	Pegarah	249	3	27	19.6.1946	1326
“	“	492	0	20	19.6.1946	1328
“	Pegarah, Poolta, and Taroona	1,627	2	22	19.6.1946	1330
“	Pegarah	492	2	25	7.8.1946	2001
“	“	859	0	12		
		98	1	15	7.8.1946	2001
“	“	494	1	25	21.8.1946	2170
“	“	489	0	18	28.8.1946	2241
“	“	500	0	0		
		496	1	37	28.8.1946	2241
“	Kittawa	250	0	0	11.9.1946	2318
“	“	317	0	23	11.9.1946	2319
“	Poolta	492	2	39	18.9.1946	2352
“	Pegarah	236	3	23	9.10.1946	2478
“	“	1,072	3	23.5	23.10.1946	2545
“	“	239	1	28		
		276	3	19	27.11.1946	2819
“	Kittawa	286	3	24		
		313	2	23		

War Service Land Settlement Act 1950
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sch. 3

County	Parish	Area			Gazette Date	Page
		743	1	31	27.11.96	2820
“	Taroon	60	2	19	18.12.1946	2925
“	Poolta	440	2	29	18.12.1946	2925
“	Pegarah	499	1	36	18.12.1946	2925
“	“	249	2	1	18.12.1946	2925
“	“	289	0	27	18.12.1946	2926
“	“	42	1	0	18.12.1946	2926
“	“	499	3	4	18.12.1946	2926
“	“	498	2	3	18.12.1946	2926
“	Kittawa	1,355	2	39	18.12.1946	2927
“	“	99	1	15	18.12.1946	2929
Somerset	Ramsbury	2,280	0	0	2.4.1947	781
“	“	1,839	2	26	2.4.1947	781
Cumberland	Kenmere	2,007	2	33 9/10	2.4.1947	781
Somerset	Chichester	2,045	0	17	2.4.1947	781
“	Chichester, Eskdale and Bramber	3,983	0	0	2.4.1947	782
“	Lincoln	4,843	0	0	2.4.1947	782
“	Ramsbury	1,740	0	0	2.4.1947	782
“	Brisbane, Cornwallis, and Maxwell	2,015	3	29¼	14.5.1947	1181
Cumberland	Lawrenny	20,903	0	17	29.10.1947	3057
King Island	Reekara	1,492	2	6	12.11.1947	3093
“	Bungaree and Reekara	1,675	0	34 3/10	12.11.1947	3093
“	Pegarah	497	3	1	26.11.1947	3160

War Service Land Settlement Act 1950
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sch. 3

County	Parish	Area	Gazette Date	Page
“	Lappa	499 0 9	10.3.1948	561
“	Reekara	497 1 21	10.3.1948	562
“	Nugara	74 2 12		
		24 3 18	9.6.1948	1327
“	“	18 1 18		
		11 3 0	17.11.1948	3145
“	Reekara	390 3 8	22.12.1948	3326
“	Pegarah	67 0 12	2.3.1949	674
Wellington	Peegra	317 0 10	2.3.1949	675
“	“	98 2 26	2.3.1949	675
“	“	100 0 0	2.3.1949	675
“	“	100 0 7	2.3.1949	676
Wellington	Peegara	97 0 4	2.3.1949	676
“	“	100 0 0	2.3.1949	676
“	“	390 1 28	2.3.1949	678
“	“	99 0 38	2.3.1949	679
“	“	199 3 35	2.3.1949	679
“	“	46 1 31	2.3.1949	679
“	“	96 3 10	2.3.1949	679
Monmouth	Hamilton and Lansdowne	2,495 0 2	18.5.1949	1187
Somerset	Epping and Cleveland	1,808 3 0	15.6.1949	1686
“	“	2,852 0 0		
“	Epping	1,054 2 0	15.6.1949	1687

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sch. 3

County	Parish	Area	Gazette Date	Page
Wellington	Peegra	50 0 1	13.7.1949	2130
“	Preolenna	319 1 17	21.12.1949	3239
“	“	317 0 27		
“	“	184 3 9	21.12.1949	3239
Somerset	Oatlands	1 0 18 6/10		
“	“	0 0 26 2/10	16.7.1947	2178
Monmouth	Hartington	73 1 0		
“	“	2,643 3 3	1.3.1950	609
Westmorland	Woodbridge	1,431 1 0	1.3.1950	612
Cumberland	Bashan and Moresby	9,521 3 10	22.3.1950	738
“	Ponsonby and Kenmore	4,564 0 0	23.3.1950	740
Wellington	Peegra	314 3 13	23.8.1950	2581.
		75 0 21		
		146 3 34		

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sch. 4

SCHEDULE 4 –

War Service Land Settlement Act 1950
Act No. 82 of 1950

sch. 5

SCHEDULE 5 – FORM OF MEMORANDUM

Section 39F

Form

Tasmania.

MEMORANDUM OF CHARGE OF TENANT-RIGHT.

I, *A.B.*, being registered as proprietor of an estate in fee farm
[follow the form in the fourth schedule up to and including the parcels]
DO HEREBY ACKNOWLEDGE the tenant-right of *C.D.* in the said
land of the value of £ AND charge the said land with the
payment thereof.

In witness whereof, I have hereunto signed my name this.....
day of.....

Signed by the above-named *A.B.*,
as transferee, this.....day }
of.....in the presence }
of *G.H.*

A.B.,
Transferee.

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sch. 6

SCHEDULE 6 –

War Service Land Settlement Act 1950
Act No. 82 of 1950

sch. 6

NOTES

The foregoing text of the *War Service Land Settlement Act 1950* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 January 2022 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>War Service Land Settlement Act 1950</i>	No. 82 of 1950	21.12.1950
<i>War Service Land Settlement Act 1952</i>	No. 78 of 1952	26.12.1951 (ss. 10, 14 and 15) 12.12.1952 (rest of Act)
<i>War Service Land Settlement Act 1954</i>	No. 54 of 1954	10.12.1954
<i>War Service Land Settlement Act 1956</i>	No. 13 of 1956	16.5.1956
<i>War Service Land Settlement Act 1960</i>	No. 22 of 1960	29.6.1960
<i>War Service Land Settlement Act (No. 2) 1960</i>	No. 28 of 1960	30.9.1960
<i>War Service Land Settlement Act 1962</i>	No. 5 of 1962	19.4.1962
<i>Decimal Currency Act 1965</i>	No. 55 of 1965	14.2.1966
<i>War Service Land Settlement Act 1968</i>	No. 26 of 1968	10.7.1968
<i>War Service Land Settlement Act 1969</i>	No. 40 of 1969	19.12.1969
<i>War Service Land Settlement Act 1971</i>	No. 17 of 1971	29.4.1971
<i>Crown Lands Act 1976</i>	No. 28 of 1976	18.8.1976
<i>War Service Land Settlement Act 1976</i>	No. 103 of 1976	15.12.1976
<i>Land Titles Act 1980</i>	No. 19 of 1980	1.10.1981
<i>Statute Law Revision Act 1982</i>	No. 99 of 1982	1.2.1983
<i>Tasmanian Development (Miscellaneous Provisions) Act 1983</i>	No. 88 of 1983	1.3.1984
<i>Penalty Units and Other Penalties Amendment Act 1991</i>	No. 43 of 1991	18.12.1991
<i>Statute Law Revision Act 1991</i>	No. 46 of 1991	18.12.1991
<i>Land Acquisition (Consequential Amendments) Act 1993</i>	No. 24 of 1993	1.1.1994
<i>Statute Law Revision Act 1994</i>	No. 68 of 1994	25.11.1994
<i>Tasmanian Development (Consequential Amendments) Act 1995</i>	No. 77 of 1995	1.7.1995
<i>Local Government (Consequential</i>	No. 30 of 1995	1.9.1995

War Service Land Settlement Act 1950
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Act	Number and year	Date of commencement
<i>Amendments) Act 1995</i>		
<i>Guardianship and Administration (Miscellaneous Amendments) Act 1996</i>	No. 33 of 1996	1.9.1997
<i>Legislation Publication Act 1996</i>	No. 17 of 1996	15.5.1998
<i>Relationships (Consequential Amendments) Act 2003</i>	No. 45 of 2003	1.1.2004
<i>Irrigation Company (Consequential Amendments) Act 2011</i>	No. 8 of 2011	1.7.2011
<i>Commercial Arbitration (Consequential Amendments) Act 2011</i>	No. 9 of 2011	1.10.2012
<i>Land (Miscellaneous Amendments) Act 2021</i>	No. 23 of 2021	1.1.2022

TABLE OF AMENDMENTS

Provision affected	How affected
Section 3	Amended by No. 22 of 1960, s. 2 and s. 13 and Sched. 1, No. 28 of 1976, s. 74 and Sched. 3, No. 19 of 1980, s. 171 and Sched. 1, No. 88 of 1983, s. 3 and Sched. 1, No. 77 of 1995, s. 3 and Sched. 1, No. 17 of 1996 and No. 45 of 2003, Sched. 1
Section 4	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 5	Amended by No. 55 of 1965, s. 5 and No. 43 of 1991, s. 5 and Sched. 1
Section 6	Substituted by No. 24 of 1993, s. 3 and Sched. 1
Section 7	Repealed by No. 28 of 1976, s. 74 and Sched. 3
Section 8	Amended by No. 22 of 1960, s. 13 and Sched. 1
Section 9	Amended by No. 28 of 1976, s. 74 and Sched. 3 and No. 68 of 1994, s. 3 and Sched. 1
Section 10	Amended by No. 78 of 1952, s. 2, No. 13 of 1956, s. 2, No. 22 of 1960, s. 13 and Sched. 1, No. 26 of 1968, s. 2 and No. 24 of 1993, s. 3 and Sched. 1
Section 10AA	Inserted by No. 28 of 1960, s. 2 Amended by No. 40 of 1969, s. 2, No. 30 of 1995, s. 3 and Sched. 1 and No. 8 of 2011, Sched. 1
Section 10A	Inserted by No. 78 of 1952, s. 3
Section 10B	Inserted by No. 78 of 1952, s. 3
Section 11	Amended by No. 28 of 1976, s. 74 and Sched. 3 and No. 24 of 1993, s. 3 and Sched. 1
Section 12	Amended by No. 78 of 1952, s. 4, No. 22 of 1960, s. 3, No. 22 of 1960, s. 13 and Sched. 1 and No. 24 of 1993, s. 3 and Sched. 1
Section 12A	Inserted by No. 78 of 1952, s. 5 Amended by No. 24 of 1993, s. 3 and Sched. 1

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Provision affected	How affected
Section 13	Amended by No. 88 of 1983, s. 3 and Sched. 1
Section 13A	Inserted by No. 22 of 1960, s. 4
Section 14	Amended by No. 22 of 1960, s. 5
Section 15	Amended by No. 88 of 1983, s. 3 and Sched. 1
Section 16	Amended by No. 28 of 1976, s. 74 and Sched. 3
Section 17	Amended by No. 19 of 1980, s. 171 and Sched. 1
Section 19	Amended by No. 22 of 1960, s. 6 and No. 17 of 1996
Section 20	Amended by No. 78 of 1952, s. 6
Section 21	Amended by No. 88 of 1983, s. 3 and Sched. 1
Section 22	Amended by No. 26 of 1968, s. 3, No. 88 of 1983, s. 3 and Sched. 1, No. 77 of 1995, s. 3 and Sched. 1, No. 17 of 1996, No. 33 of 1996, Sched. 1 and No. 45 of 2003, Sched. 1
Section 26	Amended by No. 22 of 1960, s. 7
Section 27	Amended by No. 78 of 1952, s. 8 and No. 22 of 1960, s. 8
Section 27A	Inserted by No. 78 of 1952, s. 9
Section 31	Amended by No. 45 of 2003, Sched. 1
Section 35	Amended by No. 103 of 1976, s. 2
Section 37	Amended by No. 22 of 1960, s. 9
Section 38	Amended by No. 19 of 1980, s. 171 and Sched. 1
Section 39	Amended by No. 26 of 1968, s. 6 and Sched. 1, No. 88 of 1983, s. 3 and Sched. 1 and No. 17 of 1996
Part III, Div. VIII	Inserted by No. 78 of 1952, s. 10
Section 39A	Inserted by No. 78 of 1952, s. 10 Amended by No. 28 of 1976, s. 74 and Sched. 3
Section 39B	Inserted by No. 78 of 1952, s. 10
Section 39C	Inserted by No. 78 of 1952, s. 10
Section 39D	Inserted by No. 78 of 1952, s. 10 Amended by No. 19 of 1980, s. 171 and Sched. 1 and No. 23 of 2021, s. 159
Section 39E	Substituted by No. 19 of 1980, s. 171 and Sched. 1 Amended by No. 23 of 2021, s. 160
Section 39F	Inserted by No. 78 of 1952, s. 10
Section 39G	Repealed by No. 26 of 1968, s. 6 and Sched. 1
Section 39H	Inserted by No. 78 of 1952, s. 10 Amended by No. 26 of 1968, s. 6 and Sched. 1 and No. 19 of 1980, s. 171 and Sched. 1
Section 39J	Inserted by No. 78 of 1952, s. 10 Amended by No. 19 of 1980, s. 171 and Sched. 1 and No. 23 of 2021, s. 161
Section 39K	Inserted by No. 78 of 1952, s. 10 Amended by No. 19 of 1980, s. 171 and Sched. 1
Part III, Div. IX	Inserted by No. 26 of 1968, s. 4
Section 39L	Inserted by No. 26 of 1968, s. 4
Part IV, Div. I	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 40	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 41	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 42	Repealed by No. 88 of 1983, s. 3 and Sched. 1

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Provision affected	How affected
Section 42A	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 43	Repealed by No. 28 of 1976, s. 74 and Sched. 3
Section 44	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 45	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 46	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 47	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Part IV, Div. II	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 48	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 49	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 50	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 51	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 52	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 53	Repealed by No. 13 of 1956, s. 5
Section 54	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 54A	Repealed by No. 88 of 1983, s. 3 and Sched. 1
Section 60	Amended by No. 17 of 1996
Section 65	Amended by No. 68 of 1994, s. 3 and Sched. 1
Section 67	Amended by No. 17 of 1996
Section 67A	Inserted by No. 26 of 1968, s. 5
Section 69	Amended by No. 68 of 1994, s. 3 and Sched. 1 and No. 9 of 2011, Sched. 1
Section 69A	Inserted by No. 88 of 1983, s. 3 and Sched. 1 Amended by No. 77 of 1995, s. 3 and Sched. 1
Section 70	Amended by No. 78 of 1952, s. 14, No. 55 of 1965, s. 5, No. 26 of 1968, s. 6 and Sched. 1 and No. 43 of 1991, s. 5 and Sched. 1
Schedule 1	Amended by No. 88 of 1983, s. 3 and Sched. 1, No. 46 of 1991, s. 4 and Sched. 2 and No. 77 of 1995, s. 3 and Sched. 1
Schedule 2	Amended by No. 88 of 1983, s. 3 and Sched. 1, No. 43 of 1991, s. 4 and Sched. 2 and No. 77 of 1995, s. 3 and Sched. 1
Schedule 3	Amended by No. 13 of 1956, s. 7 and No. 5 of 1962, s. 2
Schedule 4	Repealed by No. 19 of 1980, s. 171 and Sched. 1
Schedule 5	Inserted by No. 78 of 1952, s. 15
Schedule 6	Repealed by No. 19 of 1980, s. 171 and Sched. 1