

No., 4521.

An Act to amend the Closer Settlement Acts  
and for other purposes.

[20th December, 1937.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Closer Settlement Act* 1937 and shall be read and construed as one with the *Closer Settlement Act* 1928 and any Act amending the same all of which Acts and this Act may be cited together as the Closer Settlement Acts.

Short title  
construction  
and citation.

Nos. 3656, 3843,  
3938, 4008,  
4091, 4150,  
4196 Part I.,  
4257, 4328.

2. (1) In section six of the *Closer Settlement Act* 1932 for the words “a period of five years” there shall be substituted the expression “the period (not exceeding five years) for which they are appointed.”

Amendment of  
No. 4091 s. 6.

Term of office of  
members of  
Commission.

(2) Nothing

Term of office  
of present  
members not to  
be affected.

(2) Nothing in the last preceding sub-section shall be deemed to affect the current period of office of the members of the Commission in office at the commencement of this Act.

Adjustments  
under No. 4091  
s. 32 deemed  
to have been  
made as on  
30th June, 1937.

3. Subject to the provisions of section twelve of the *Closer Settlement Act 1933* all reductions (whether made before or after the commencement of this Act) of the outstanding liability of any lessee licensee or person made under section thirty-two of the *Closer Settlement Act 1932* shall be deemed to have been made as on the thirtieth day of June One thousand nine hundred and thirty-seven.

Substitution of  
new half-yearly  
liability of  
settlers for  
existing  
liability.

4. (1) Notwithstanding anything in the *Closer Settlement Acts*, any *Fallowing Advances Act*, any *Cultivation Advances Act* or the *Farmers Advances Act 1935* or in any lease held or in any agreement or any security for an advance entered into or given under any of the said Acts or any corresponding previous enactments—

(a) by any lessee or person entitled to become the holder of a lease under Part I. or Part II. of the *Closer Settlement Act 1928*; or

(b) by—

(i) any lessee or licensee or person entitled to become the holder of a lease under the *Land Act 1928*; or

(ii) any other person—

who has received advances under the said Part I. or Part II. or any corresponding previous enactment—

as on and from the first day of July One thousand nine hundred and thirty-seven all the liabilities (excluding liabilities referred to in the next succeeding section) of any such lessee licensee or person to comply with the requirements of any such lease agreement and security and of the *Closer Settlement Acts*, any *Fallowing Advances Act*, any *Cultivation Advances Act* and the *Farmers Advances Act 1935* (so far as such requirements relate to the paying or re-paying of any amounts instalments advances interest and arrears of interest to the Commission) are, in respect of the financial year beginning on the first day of July One thousand nine hundred and thirty-seven, hereby suspended, and in

lieu

lieu thereof such lessee licensee or person shall pay on the thirty-first day of December and on the thirtieth day of June in that financial year an amount equal to two and three-quarters per centum (which shall include interest at the rate of four and one-quarter per centum per annum) of the outstanding liability of such lessee licensee or person ; but in any case where after the said first day of July any advance under the Closer Settlement Acts or the *Farmers Advances Act* 1935 is made or any land is granted to any such lessee licensee or person the amount equal to two and three-quarters per centum to be paid as aforesaid may be reduced having regard to the period for which interest is properly chargeable in respect of such advance or land.

In this sub-section "the outstanding liability" of any such lessee licensee or person means the liability under the Closer Settlement Acts to the Commission of that lessee licensee or person in respect of land and advances (whether made under the Closer Settlement Acts any Following Advances Act any Cultivation Advances Act or the *Farmers Advances Act* 1935 or any corresponding previous enactments) as on the first day of July One thousand nine hundred and thirty-seven and, in the case where after the said first day of July any advance under the Closer Settlement Acts or the *Farmers Advances Act* 1935 is made or any land is granted to any such lessee licensee or person, includes the amount of the value of that advance or land ; but does not include any liabilities referred to in the next succeeding section.

"The  
outstanding  
liability."

(2) If any instalment under the last preceding sub-section is not paid on the due date or within thirty days thereafter—

(a) interest on such instalment shall be paid by such lessee licensee or person at the rate of five per centum per annum from the date on which it became due until the date on which it is paid ; and

(b) the Commission may take any proceedings for the recovery of all unpaid instalments of purchase money and interest thereon, of all unpaid rent, of all unpaid advances and interest thereon, and of all interest in respect of any arrears of instalments rent or advances in the same manner and to the same extent as if any liabilities in

respect

respect of the same had not been suspended as aforesaid, but without prejudice to the right of the Commission to enforce any obligation arising under this section.

(3) Without affecting the generality of the provisions of this or any other Act the Commission shall upon any failure to pay any of the amounts required to be paid by any such lessee licensee or person under this section have the same powers by way of suit distress forfeiture or otherwise as the Commission has upon failure to pay any instalments of purchase money under the *Closer Settlement Act 1928*.

No. 4091 s. 30  
to be read  
subject to this  
and the next  
succeeding  
section.

(4) Section thirty of the *Closer Settlement Act 1932* shall be read and construed as subject to this and the next succeeding section.

Liability of  
settlers for  
arrears owing  
in respect of  
period 1932-  
1937 not to be  
suspended.

5. All moneys which became due and owing to the Commission—

(a) by any lessee or person entitled to become the holder of a lease under Part I. or Part II. of the *Closer Settlement Act 1928* ; or

(b) by—

(i) any lessee or licensee or person entitled to become the holder of a lease under the *Land Act 1928* ; or

(ii) any other person—

who has received advances under the said Part I. or Part II. or any corresponding previous enactment—

during the period commencing on the first day of July One thousand nine hundred and thirty-two and ending on the thirtieth day of June One thousand nine hundred and thirty-seven and which have not been paid by such lessee licensee or person to the Commission shall remain due and owing to the Commission and be payable with interest at four and one-quarter per centum per annum from the first day of March One thousand nine hundred and thirty-eight until the date on which the same are re-paid to the Commission and the liability of such lessee licensee or person in respect thereof shall not be suspended under the provisions of the last preceding section.

6. (1) Section

6. (1) Section twenty-six of the *Closer Settlement Act* 1932 is hereby repealed.

(2) (a) Section twenty-three of the *Farmers Advances Act* 1935 is hereby repealed.

(b) The *Farmers Advances Act* 1935 and this sub-section may be cited together as the Farmers Advances Acts.

(3) Section twenty of the *Cultivation Advances Act* 1932 section nineteen of the *Cultivation Advances Act* 1933 and section twenty-one of the *Cultivation Advances Act* 1934 are hereby repealed.

(4) This section shall be deemed to have come into operation on the first day of July One thousand nine hundred and thirty-seven.

Repeal of No.  
4091 s. 26.

Payments into  
State Loans  
Repayment  
Fund to provide  
for capital  
losses in respect  
of advances.

Repeal of No.  
4338 s. 23.

Payments into  
State Loans  
Repayment  
Fund to provide  
for capital  
losses in respect  
of advances.

Citation.  
No. 4338.

Consequential  
repeal of  
Nos. 4073 s. 20,  
4195 s. 19,  
4237 s. 21.

As to payments  
into State  
Loans  
Repayment  
Fund.

Commencement.