



Western Australia

War Service Land Settlement Scheme Act 1954

War Service Land Settlement Scheme Regulations 1954

Reprint 2: The regulations as at 17 May 2013

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original regulations and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Transitional, savings, modifying or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the regulations being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a regulation that was inserted, or has been amended, since the regulations being reprinted were made, editorial notes at the foot of the regulation give some history of how the regulation came to be as it is. If the regulation replaced an earlier regulation, no history of the earlier regulation is given (the full history of the regulations is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the regulations have been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the regulations were published. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the regulations are reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Western Australia

War Service Land Settlement Scheme Regulations 1954

Contents

1.	Citation	1
3.	Terms used	1
4.	Administration	3
5.	Land for settlement	3
6.	Eligible persons	3
7.	Eligible persons — members of the Forces (Korea or Malaya Operations)	7
8.	Period of eligibility	10
9.	Applications	10
10.	Application for land set apart for selection	11
11.	Rent	12
12.	Lease	12
13.	Earnings during assistance period	12
14.	Payment for structural improvements	12
15.	Advances	12
16.	Residence	13
17.	Transfers	13
17A.	Further encumbrances	14
18.	Care of improvements	16
19.	Purchase of improvements	16
20.	Insurance of improvements	17
21.	Lessee to pay rates etc.	17
22.	Rate of living allowance	17
23.	Purchase of fee simple	18

Contents

23A.	Application for review of option price	19
24.	War Service Land Settlement Appeal Board	20
25.	Classification Committee	21
26.	Chairman of Committee	21
27.	Absence of Committee member	21
28.	Quorum	21
29.	Committee meetings	22
30.	Notice of meetings	22
31.	Form for application for classification	22
32.	Applicant attempting to influence Committee disqualified	22
33.	Decision of Committee final	22
34.	Interruption of Committee proceedings	23
35.	Secretary of Committee	23
36.	Correspondence with Committee	23
37.	Duties of Classification Committee	23
38.	Fees for Committee members and payment of staff	24
39.	Travelling allowance	24
40.	Allotment Board	24
41.	Chairman of Allotment Board	25
42.	Absence of Board member	25
43.	Board meetings	25
44.	Applications for allotments	25
45.	Form of declaration	25
46.	Evidence before Board	26
47.	Variation of applications	26
48.	Fees for Board members and payment of staff	26
49.	Travelling allowance	26
50.	Representation of applicant	27
51.	Applicant attempting to influence Board disqualified	27
52.	Decision of Board final	27
53.	Interruption of Board meetings	27
54.	Secretary of Board	27

First Schedule

Second Schedule

Third Schedule

Notes

Compilation table

35

Defined terms



Reprinted under the
Reprints Act 1984 as
at 17 May 2013

Western Australia

War Service Land Settlement Scheme Act 1954

War Service Land Settlement Scheme Regulations 1954

1. Citation

These regulations may be cited as the *War Service Land Settlement Scheme Regulations 1954* ¹.

[*Regulation 1 amended in Gazette 24 Aug 2004 p. 3662.*]

[2. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

3. Terms used

In these regulations, unless the context requires otherwise —

Act means the *War Service Land Settlement Scheme Act 1954*;

Allotment Board means the Board appointed by the Minister to deal with applications for holdings;

applicant means a person applying to participate under the scheme;

assistance period means the period of one year or such longer period as provided for in the conditions next following the allotment of a holding to a settler;

Board means the Land Settlement Board for the time being as appointed by the Minister;

Classification Committee means the Committee appointed by the Minister to determine the eligibility or otherwise of applicants under the scheme and to classify eligible persons as suitable (either immediately or after training or further experience) or as unsuitable for settlement;

conditions means the conditions determined by the Minister for the Interior of the Commonwealth of Australia in accordance with the *States Grants (War Service Land Settlement) Act 1952* of the Parliament of the Commonwealth;

Crown lands means (subject to section 4(2) of the *Land Act 1933*²) all lands of the Crown vested in Her Majesty, except land which is for the time being, reserved for or dedicated to any public purpose, or granted or lawfully contracted to be granted in fee simple or with the right of purchase under the *Land Act 1933*², or any Act repealed by that Act, and all lands between high and low water mark on the sea shore and on the banks of tidal waters;

eligible person means a person who, in accordance with the provisions of regulation 6 or 7, as the case may be, is eligible to participate in the scheme;

holding means the land allotted or to be allotted to a settler under the scheme;

lessee means the holder of a lease granted under the Act;

Minister means the Minister of the Crown for the time being charged with the administration of the Act;

prescribed means prescribed by the Act or any regulations made thereunder;

private land means all land other than Crown land;

project means an approved plan of settlement or such aggregation of approved plans of settlement as form a unit for development and subdividing;

regulations means regulations made under the Act;

scheme means the War Service Land Settlement Scheme which prior to the coming into operation³ of the Act has been carried out and given effect under the Acts repealed by the Act and which after the coming into operation of the Act is to continue to be carried out under the Act in compliance with the conditions;

settler means an eligible person who has been allotted a holding under the scheme or an eligible person to whom a holding has been transferred;

structural improvements includes a house, shed or any other type of building whatsoever, fence, dam, water supply, domestic drain, bridge road dip or weir and fruit trees, vines and plantations.

4. Administration

The Board is directly responsible to the Minister for the management and control of private land acquired for the scheme or projects relating to Crown lands for the settlement of eligible persons under the scheme.

5. Land for settlement

For the purpose of being disposed of under the provisions of the Act to eligible persons, there may be set apart by notice published in the *Government Gazette* —

- (a) areas of Crown lands;
- (b) areas of land acquired by negotiation;
- (c) areas of land resumed under and by virtue of the *Closer Settlement Act 1927*⁴,

which have been developed as holdings, as required under the provisions of the Act.

6. Eligible persons

Persons with war service may apply to participate in the scheme and, in determining whether the applicant is an eligible person,

the Classification Committee shall apply the following principles —

- (a) In the case of an applicant with war service as defined in this regulation, an eligible person means a discharged member of the Forces who enlisted prior to 1 July 1947, and who has been honourably discharged after not less than 6 months' war service or who having, in the opinion of the Classification Committee, been materially prejudiced by reason of his war service, has been honourably discharged after less than 6 months' war service.
- (b) For the purposes of this regulation —
 - (i) a member of the Forces who has ceased to be engaged on war service is deemed to have been discharged;
 - (ii) a person —
 - who was appointed or enlisted on or before 30 June 1947, for service in a part of the Defence Force, which was raised in time of war for war service, or enlisted on or before that date, solely for service in time of war or for service during that time and a definite period thereafter; or who enlisted in the permanent Forces after 30 June 1937 and before 1 October 1940, for a definite period not exceeding 12 years,
 - and whose service was not terminated before 30 June 1949, is deemed to have ceased to be engaged on war service on the last-mentioned date;
 - (iii) *member of the Forces* means —
 - (a) a person who is or was, during the war, a member of the permanent Forces, other than the Australian Imperial Force; and

- (b) a person who is or was, during the war, a member of the Australian Imperial Force; and
- (c) a member of the Citizen Forces who is or was enlisted, appointed or called up for continuous service for the duration of, and directly in connection with, the war; and
- (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 Army Medical Women's Service;
 - The Australian Women's Army Service;
 - The Royal Australian Air Force Nursing Service;
 - The Women's Auxiliary Australian Air Force;and
- (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 Force; and
- (f) a member of the Naval, Military or Air Force of any part of the Queen'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

- (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 Queen'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;

- (iv) **war** means the war which commenced on 3 September 1939, and includes any other war in which Her Majesty became engaged after that date and before 2 September 1945;
- (v) **war service** means —
- (a) service as a member of the permanent Forces other than the Australian Imperial Force; or
 - (b) service in the Australian Imperial Force; or
 - (c) the service of a member of the Citizen Forces, when called out for war service in pursuance of the *Defence Act 1903* of the Parliament of the Commonwealth, or during continuous training under that

Act, the *Naval Defence Act 1910*, or the *Air Force Act 1923* of the Parliament of the Commonwealth; or

- (d) the continuous full-time service in the Defence Force under any Act or under any regulations under an Act, of any person who volunteers and is accepted for that service during the war; or
 - (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.
- (c) The widow of a settler who was an eligible person under this regulation is also eligible to receive the benefits of the scheme in respect of the holding allotted to her husband at the time of his demise.

7. Eligible persons — members of the Forces (Korea or Malaya Operations)

Persons with war service within the meaning of this regulation may apply to participate in the scheme and in determining whether the applicant is an eligible person the Classification Committee shall apply the following principles —

- (a) In the case of an applicant with war service an eligible person means a discharged member of the Forces, who has been honourably discharged after not less than 6 months' war service or who having, in the opinion of the Classification Committee, been materially prejudiced by reason of his war service, has been honourably discharged after less than 6 months' war service.
- (b) For the purposes of this regulation —
 - (i) a member of the permanent Forces shall have been discharged not later than 2 years after

termination of that member's war service to retain eligibility;

(ii) **member of the Forces** means —

(a) a person who served on war service as a member of the Defence Force; and

(b) a person —

(i) who served on war service as a member of the Naval, Military or Air Forces of a part of the Queen's Dominions other than the Commonwealth; and

(ii) who is resident in Australia or in a Territory of the Commonwealth and satisfies the Classification Committee that he was domiciled in Australia or a Territory of the Commonwealth immediately before his appointment or enlistment;

operational area means an area outside Australia that is prescribed under the *Re-establishment and Employment Act 1945*⁵, and its amendments, of the Parliament of the Commonwealth to be an operational area for the purposes of warlike operations in Korea after 26 June 1950, or in Malaya after 28 June 1950;

port includes airport;

war means the warlike operations in Korea after 26 June 1950, or in Malaya after 28 June 1950;

war service means, in relation to a member of the Forces, his service while —

(a) a member of, or attached to, a body, contingent or detachment of the Naval,

Military or Air Forces of the Commonwealth that was allotted for duty in an operational area; or

- (b) allotted for duty in an operational area;
- (iii) the war service of a member of the Forces —
 - (a) shall be deemed to have commenced —
 - (i) if he was in Australia at the time at which he was allotted for war service — at the time of his departure from the last port of call in Australia for that service; or
 - (ii) if he was outside Australia at the time at which he was allotted for war service — at the time at which he was so allotted;

and

- (b) shall be deemed to have ended —
 - (i) in the case of a member of the Forces who has returned to Australia — at the time of his arrival at the first port of call in Australia; or
 - (ii) in the case of a member of the Forces who has been allotted for duty in an area outside Australia other than an operational area — at the time of his arrival in that area, or, if he was in that area at the time at which he was so allotted, at that time;

- (iv) a member of the Forces who has ceased to be engaged on war service is deemed to have been discharged.
- (c) The widow of a settler who was an eligible person under this regulation is also eligible to receive the benefits of the scheme in respect of the holding allotted to her husband at the time of his demise.

8. Period of eligibility

- (1) A person who is an eligible person in accordance with the provisions of regulation 6 may apply to participate under the scheme not later than the later of the following dates —
 - (a) 2 September 1950; or
 - (b) the date, 5 years from the date when he ceased to be engaged on war service, if the last-mentioned date was not later than 30 June 1949.
- (2) A person who is an eligible person in accordance with the provisions of regulation 7 may apply to participate under the scheme not more than 3 years after the later of the following dates —
 - (a) the date on which the applicant ceased to be engaged on war service; or
 - (b) the date of the cessation of hostilities in the Malaya and Korea operations as determined by the Commonwealth.

9. Applications

- (1) An applicant shall —
 - (a) apply to the Classification Committee for classification; and
 - (b) lodge an application in the form of First Schedule; and
 - (c) obtain a qualification certificate to qualify to apply for a holding from the Committee in the form of Second Schedule.

- (2) Where an applicant who has been granted a qualification certificate —
- (a) fails within a reasonable time to apply for any holdings which have been gazetted as being open for selection; or
 - (b) is in the opinion of the Classification Committee no longer suitable for settlement,

the Committee may by notice in writing to the applicant cancel the certificate and thereupon the certificate is, subject to appeal, cancelled.

- (3) Where a certificate is so cancelled, the holder of the certificate may within 30 days of the receipt by him of the notice of cancellation appeal to the Minister against the cancellation and the decision of the Minister on appeal is final.

10. Application for land set apart for selection

- (1) An application in the form of the Third Schedule for land set apart for selection by eligible persons, may be lodged at the office of the department principally assisting in the administration of the *Land Administration Act 1997*, by an applicant during the period the land is gazetted as being open for selection.
- (2) Where more than one application is received for the same piece of land during the period, the Allotment Board shall recommend to the Minister the applicant to whom the land is to be allotted.
- (3) When, after the period, more than one application is received on the same day for the same piece of land which was not selected during the period, the Allotment Board shall recommend to the Minister the name of the applicant to whom the land is to be allotted.

[Regulation 10 amended in Gazette 29 Dec 2006 p. 5918.]

11. Rent

Rent shall be payable by the lessee in accordance with the provisions of the lease instrument under which the lessee is granted his holding and the rent shall be paid by the lessee to the Minister in accordance with the terms of the lease or to such other authority as the Minister may from time to time direct in accordance with the terms of the lease.

12. Lease

After the Allotment Board makes its recommendation for the allotment of a holding and the application therefor is approved by the Minister, a lease shall be issued in accordance with the conditions.

13. Earnings during assistance period

The net proceeds of the holding during the assistance period shall be paid by the settler to the Minister and shall, in such proportion as the Minister may direct, be credited against future obligations of the settler in respect of advances for stock, plant, equipment, improvements and rent or otherwise.

14. Payment for structural improvements

All payments towards the purchase of structural improvements shall be made to the Minister.

15. Advances

After the expiration of the assistance period, if an application for advances for the purpose of providing working capital, paying for and effecting improvements and acquiring stock, plant and equipment is made by a settler, it shall be made to and in the manner determined by the Minister.

During the assistance period any such advances shall be made at the direction of the Minister.

16. Residence

A settler shall personally reside on the holding for at least 11 months of each and every year of the first 5 years and for 9 months of each and every year from the sixth to tenth year from the date when the holding was first allotted to him.

17. Transfers

- (1) A holding shall not be transferred, mortgaged or encumbered, except with the consent in writing of the Minister being first had and obtained.
- (2) Approval shall not be given to any contract of sale or transfer of any holding, where the consideration is a premium for the interest in a holding, unless all amounts owing by the settler to the Minister or other Crown instrumentality, authority or agent have first been paid.
 - (2a) Notwithstanding the provisions of subregulation (2), where he is of opinion that the circumstances of the case so warrant, the Minister may at his discretion approve of any contract of sale of any holding without first requiring payment of all amounts owing by the settler to the Minister or other Crown instrumentality, authority or agent.
- (3)
 - (a) No contract of sale, sub-lease, conveyance or other dealing in respect to any holding shall be entered into without the written approval of the Minister being first had and obtained.
 - (b) Where a settler commits a breach of this regulation the holding may be forfeited by the Minister.
- (4) Until the full amount of any indebtedness to the Minister or other Crown instrumentality, authority or agent has been paid in respect to a holding, the holding shall not be mortgaged or otherwise encumbered other than to an authority or person approved of by the Minister.

r. 17A

- (5)(a) If, within the first 5 years of acquiring a holding, on account of ill health or for any other good reason, a lessee wishes to determine his interest in the holding, he shall surrender the lease of the holding, in which event the lessee shall be compensated by the Minister for any improvements effected by him which are essential for the working of the holding, and from the amount of the compensation moneys there shall be deducted any amount owing to any Crown authority by the lessee.
- (b) From and after the first 5 years and up to 10 years of a holding being acquired by a settler, a transfer of the holding shall not be approved other than to an eligible and qualified person, unless it is proved to the satisfaction of the Minister that there is no eligible and qualified person willing to acquire the holding and capable of working it.
- (6) In the event of the insolvency or bankruptcy of a lessee during the first 5 years of acquiring a holding the lease of the holding shall be surrendered and re-allotted to an eligible person; in the event of the insolvency or bankruptcy of a lessee from and after the first 5 years and up to 10 years after he has acquired a holding, a holding shall not be transferred to other than an eligible and qualified person, unless it is proved to the satisfaction of the Minister that there is no eligible and qualified person willing to acquire the holding and capable of working it, and in the event of the death of a lessee a holding may be transferred to the person entitled in distribution in intestacy or the lawful beneficiary of the lessee under his will.

*[Regulation 17 amended in Gazette 8 Nov 1962 p. 3677;
31 May 1966 p. 1422.]*

17A. Further encumbrances

- (1) The lessee of land demised for tenure of perpetual leasehold by instrument of lease under the scheme that is mortgaged or otherwise encumbered may, with the approval of the Minister first had and obtained, further mortgage or otherwise encumber his interest in that land.

- (2) Application for approval of the Minister under this regulation shall be made in writing and shall be lodged at the office of the Board together with a copy of the further mortgage or other encumbrance which the lessee proposes to execute.
- (3) Upon application being made to him for approval pursuant to this regulation, the Minister may require the lessee to furnish such information as the Minister at his discretion considers necessary in respect to the financial position of the lessee and his proposal to further mortgage or otherwise encumber his interest in the land, and may require the provisions of the further mortgage or other encumbrance to be amended or modified in such manner and to such extent as the Minister thinks fit.
- (4) Among the grounds upon which the Minister may refuse to give approval under this regulation are the following —
 - (a) if the further mortgage or other encumbrance expressly or impliedly contains any provision which in the opinion of the Minister would prejudicially or adversely affect or be likely so to affect any of the rights and powers conferred by the existing mortgage or other encumbrance on the mortgagee thereof;
 - (b) unless the person to whom the further mortgage or other encumbrance is proposed to be given executes such covenant or agreement as the Minister may require agreeing that the existing mortgage or other encumbrance shall, in respect to further advances made from time to time thereunder after and notwithstanding notice of that further mortgage or other encumbrance, have priority to that further mortgage or other encumbrance up to but not exceeding the limit of the moneys secured by the existing mortgage or other encumbrance;
 - (c) unless and until the provisions of the further mortgage or other encumbrance are amended or modified as required by the Minister pursuant to subregulation (3).

- (5) Notwithstanding any provision contained in a further mortgage or other encumbrance to which the Minister has given approval in accordance with this regulation, no such approval shall —
- (a) confer, or be deemed to confer, on the person to whom the further mortgage or other encumbrance is given, any right or power authorising or empowering him to override or derogate from any provision of the perpetual lease or these regulations; or
 - (b) prevent the exercise of any right or power under the existing mortgage or other encumbrance from being as valid and effectual as that exercise would be if the further mortgage or other encumbrance had not been approved and given.

[Regulation 17A inserted in Gazette 1 Nov 1961 p. 3041-2.]

18. Care of improvements

All buildings, fences and other permanent improvements on a holding shall be kept in good and tenantable order and condition by the lessee in accordance with the terms of the lease of the holding, allowance being made for reasonable wear and tear and the Minister or his authorised agent may at any time enter upon a holding to ascertain if the conditions of this regulation are being performed and observed by a lessee. Where a lessee commits a breach of this regulation the Minister may cancel the lease and forfeit the holding.

[Regulation 18 inserted in Gazette 23 Nov 1955 p. 2864.]

19. Purchase of improvements

Structural improvements on a holding shall be purchased by the lessee and any advance made to the lessee by the Minister for this purpose shall be repaid by the lessee by equal half-yearly instalments together with interest thereon at the rate of 3¾% per annum and the instalments shall be paid at the same time as the rental payments.

[Regulation 19 inserted in Gazette 23 Nov 1955 p. 2864.]

20. Insurance of improvements

- (1) Until the full amount of any advance made by the Minister to the lessee to purchase structural improvements and interest thereon has been paid, a lessee shall insure and keep insured, all improvements being purchased, to their full insurable value, in the joint names of the Minister and the lessee in some public insurance office approved by the Minister, or with such insurer as the Minister directs, against loss or damage by fire.
- (2) The lessee shall deposit with the Minister the policy of insurance and the receipt or receipts for the annual or other premium payable thereon.
- (3) In the event of loss or damage by fire the lessee shall make good the loss or damage to the satisfaction of the Minister as soon as practicable.
- (4) Where a lessee fails to effect and continue the insurance the Minister may, but shall not be obliged so to do, insure the improvements or improvement and pay any premiums therefor, and any premiums so paid and all incidental expenses shall be repaid by a lessee to the Minister on demand.

21. Lessee to pay rates etc.

A lessee shall be responsible for payment of all existing and future rates assessments and taxes in respect of a holding.

22. Rate of living allowance

The rates of living allowance payable to settlers during the assistance period, shall be the rates determined and approved for payment by the Parliament of the Commonwealth of Australia.

[Regulation 22 inserted in Gazette 15 Jul 1958 p. 1563.]

23. Purchase of fee simple

- (1) Unless the conditions require otherwise the lessee of a tenure of perpetual leasehold of land demised by instrument of lease under the scheme may, subject to —
- (a) the conditions; and
 - (b) the provision, if applicable to the land, of section 8(5) of the Act relating to mineral rights; and
 - (c) any mortgage or other encumbrance if any affecting the land; and
 - (d) the provisions of the regulations for the time being in force where applicable; and
 - (e) compliance with the provisions of the lease instrument,
- after the expiration of a period of 10 years from the commencement of the term of the perpetual lease or such shorter period as the Commonwealth and the State have determined or may determine where special circumstances exist and on payment of such purchase price for the fee simple as is fixed under the scheme by the Minister in accordance with the conditions purchase the fee simple in the land and on completion of the purchase is entitled to surrender the lease instrument and obtain in place of it a Crown Grant of the fee simple in the land.
- (2) Subject to the conditions the following terms apply to the purchase of the fee simple in the land at any time and from time to time during the period of 10 years from the commencement of the term of the lease —
- (a) Instalments of purchase money on account of the purchase may be paid in advance if all the commitments to be paid by the lessee under the lease have been met but the instalments shall not exceed in the aggregate 90% of the purchase price for the fee simple and on making payment of an amount on account of the purchase price interest on the amount so paid by him ceases to accrue.

- (b) Instalments paid in advance shall not be withdrawn by the lessee.
- (c) The lessee shall not be entitled to any adjustment of the rental payable under the terms of the lease consequent upon the payment of instalments of purchase money in advance.
- (d) Advance payments of purchase money may be appropriated by the Minister in payment of arrears or rent, interest on other moneys payable to the Minister by the lessee.
- (e) The obtaining of the fee simple by the lessee as provided in this regulation shall be subject to the surrender by him of the perpetual lease and payment of the sum then required to complete payment of the purchase price together with the necessary fees.

[Regulation 23 amended in Gazette 23 Nov 1955 p. 2865; 30 Aug 1957 p. 2636; 1 Nov 1961 p. 5042.]

23A. Application for review of option price

- (1) The lessee of a tenure referred to in regulation 23(1) may, in accordance with, and subject to the provisions of, the conditions, within a period of 30 days after the expiration of a period of 10 years from the commencement of the term of the lease, make application in writing to the Minister for a review of the option price for the fee simple as fixed by the Minister on the grounds that the price, as so determined, was too high to allow a reasonable living based on the average price of primary products during that period of 10 years.
- (2) On receipt of an application made under subregulation (1), the Minister may after such inquiry as he deems necessary and having regard to the reasonable market value of the holding, review the option price.

[Regulation 23A inserted in Gazette 15 Jul 1958 p. 1564.]

24. War Service Land Settlement Appeal Board

- (1) The authority to investigate and determine the matters referred to in subregulation (4)(a) and (b) shall be known as the War Service Land Settlement Appeal Board.
- (2) The Board shall be constituted as follows —
 - (a) a stipendiary or resident magistrate appointed by the Governor, who shall be chairman; and
 - (b) one member representing the department principally assisting in the administration of the *Land Administration Act 1997* to be appointed by the Minister; and
 - (c) one member to be nominated by The Returned and Services League of Australia WA Branch Incorporated.
- (3) Every member of the Board holds office for a period of 2 years from the date upon which he first takes his seat on the Board by virtue of his appointment and he is eligible for re-appointment.
- (4) The Board has jurisdiction to investigate and determine —
 - (a) an allegation of the breach of a covenant in the lease at the request of a lessee or of the State; and
 - (b) such matters arising between the settler and the State as the Commonwealth and the State agree may be referred to it for investigation and determination.
- (5) In the absence of any member of the Board other than the chairman or where a member is personally interested in a matter referred to the Board for investigation and determination, a deputy may sit in the place of that member during his absence or for the determination of the matter in which he is personally interested. The deputy has all the powers and authority of the member of the Board and shall be appointed in accordance with this regulation.
- (6) The Board may regulate its own procedure and may conduct its inquiries without regard to legal forms and shall direct itself by the best evidence it can procure or that is laid before it.

- (7) The decision of the Board or of a majority of the members of the Board shall in each case be reported in writing by the Board to the Minister and shall be final and effect shall be given to every such decision.

[Regulation 24 inserted in Gazette 23 Nov 1955 p. 2865; amended in Gazette 29 Dec 2006 p. 5918; amended by Act No. 47 of 2011 s. 17.]

25. Classification Committee

The Classification Committee shall consist of not less than 3 members duly appointed by the Minister, at least one of whom shall be a representative of the department principally assisting in the administration of the *Land Administration Act 1997*, and one a representative of The Returned and Services League of Australia WA Branch Incorporated.

[Regulation 25 amended in Gazette 29 Dec 2006 p. 5918; amended by Act No. 47 of 2011 s. 17.]

26. Chairman of Committee

The Minister shall appoint one member as Chairman of the Committee and in the event of the Chairman not being present at any meeting the members present may elect a chairman for the meeting.

27. Absence of Committee member

In the case of illness, inability, or absence of any member of the Committee, the Minister may appoint some other person to act as the deputy of that member, and every person shall while he is acting as deputy have the powers and may perform the duties of a member of the Committee.

28. Quorum

Two members of the Committee shall form a quorum.

29. Committee meetings

The Committee shall meet for the dispatch of business at such time or times and at such place or places as the Minister, or other officer authorised by him in that behalf, shall from time to time appoint and if necessary may adjourn from time to time. Every meeting of the Board (except an adjourned meeting) shall be convened and appointed by the Chairman or other officer authorised by him in that behalf by posting to each member of the Committee at his usual address, at least 3 clear days before the date of the meeting a notice in writing specifying the date and place of the meeting. Any omission to post a notice as aforesaid to any one or more members of the Committee shall not invalidate the meeting.

30. Notice of meetings

When the date of any committee meeting has been fixed, due notice will be sent to each applicant required to attend for examination, of the time, place, and date of the sitting of the Committee.

31. Form for application for classification

Application forms for classification setting out the particulars required by the Committee, may be obtained on application at the office of the department principally assisting in the administration of the *Land Administration Act 1997*.

[Regulation 31 amended in Gazette 29 Dec 2006 p. 5919.]

32. Applicant attempting to influence Committee disqualified

Any applicant who shall interview, prior to the sitting of the Committee, any member of the Committee, with a view to influencing an application, shall be disqualified.

33. Decision of Committee final

In all cases coming before the Committee the decision of the Committee or of the majority of the members of the Committee shall be final.

34. Interruption of Committee proceedings

No person shall interrupt the proceedings of the Committee or cause a disturbance. Any person offending against this regulation shall be liable to a penalty not exceeding \$20.

[Regulation 34 amended by Act No. 113 of 1965 s. 8(1).]

35. Secretary of Committee

There shall be a secretary of the Committee, who shall be responsible for the proper recording and indexing of the minutes, and shall carry out all necessary work incidental to his position as may be required from time to time by the Committee.

36. Correspondence with Committee

All communications shall be addressed to the Chairman Land Settlement Board at the office of the department principally assisting in the administration of the *Land Administration Act 1997*.

[Regulation 36 amended in Gazette 29 Dec 2006 p. 5919.]

37. Duties of Classification Committee

The duties of the Classification Committee shall be —

- (a) to receive, consider and give decisions on applications for classification certificates, and to issue them in accordance with the system in operation in the State of Western Australia;
- (b) to keep plans and records showing the numbers of classification notices and their types issued in each road board district, including figures for each of the main localities within each road board district, where necessary;
- (c) to interview applicants after discharge from the Forces and examine their qualifications;

- (d) to arrange for medical and Defence Force reports to be received and considered;
- (e) to furnish such reports on the progress of the classification of applicants as may be required by the Chairman, Land Settlement Board, and such other duties in connection with the training and allotment of ex-servicemen as may be decided.

38. Fees for Committee members and payment of staff

Fees of \$6.30 per day shall be paid to the Committee members for each complete day on which sittings are held. If any member is on the permanent or temporary staff of the Public Service he shall receive payment assessed on the difference between the fee paid to outside members and the salary of the member for each of the days on which sittings are held.

[Regulation 38 amended by Act No. 113 of 1965 s. 8(1).]

39. Travelling allowance

When travelling or absent from home on the business of the Committee, members shall be paid travelling allowance as prescribed by the *Public Service Regulations*⁶.

40. Allotment Board

There shall be appointed by the Minister an Allotment Board, hereinafter called the **Board**, to deal with simultaneous applications for holdings. The Board shall consist of not less than 3 members, at least one of whom shall be a representative of the department principally assisting in the administration of the *Land Administration Act 1997* and one a representative of The Returned and Services League of Australia WA Branch Incorporated.

[Regulation 40 amended in Gazette 29 Dec 2006 p. 5919; amended by Act No. 47 of 2011 s. 17.]

41. Chairman of Allotment Board

The Minister shall appoint one member as Chairman of the Board, and in the event of the Chairman not being present at any meeting of the Board, the members present may elect a chairman for the meeting.

42. Absence of Board member

In the case of illness, inability or absence of any member of the Board, the Minister may appoint some other person to act as the deputy of that member, and every person shall, while he is acting as deputy, have the powers and may perform the duties of a member of the Board.

43. Board meetings

The Board shall meet for the despatch of business at such time or times and at such place or places as the Minister or other officer authorised by him in that behalf shall from time to time appoint, and if necessary, may adjourn from time to time.

44. Applications for allotments

There shall be an interval of at least 3 days between the closing date for the receipt of applications and the date fixed for the sitting of the Board. When the date for the sitting of the Board has been fixed, due notice shall be sent to each applicant (if required to appear before the Board), advising the time, place, and date of the sitting of the Board; also a form of declaration for completion by him, should he be unable to appear before the Board.

45. Form of declaration

Declaration forms, setting out particulars required by the Board, may be obtained at time of application at any office of the department principally assisting in the administration of the *Land Administration Act 1997* or Commonwealth Employment Office⁷. The applicant may make the declaration before a

Justice of the Peace, a town clerk, secretary of a road board, electoral registrar, a postmaster, classified officer in the State or Commonwealth Public Service, or a classified State school teacher, a member of the Police Force, or a commissioner for declarations under the *Declarations and Attestations Act 1913*⁸. Any statement made by the applicant shall be supported by documentary evidence, if so desired by the Board.

[Regulation 45 amended in Gazette 29 Dec 2006 p. 5919.]

46. Evidence before Board

The Board shall take evidence and may call any evidence or witnesses they think fit.

47. Variation of applications

The Board may, at the request of an applicant, vary his application preference list, but shall only substitute or add thereto a holding referred to the Board for determination.

48. Fees for Board members and payment of staff

The members of the Board shall be paid \$6.30 per day for each complete day on which sittings are held. If any member is on the permanent or temporary staff of the Public Service he shall receive payment assessed on the difference between the fee paid to outside members and the salary of the member for each of the days on which sittings are held.

[Regulation 48 amended by Act No. 113 of 1965 s. 8(1).]

49. Travelling allowance

When travelling or absent from home on the business of the Board, members shall be paid travelling allowance as prescribed by the *Public Service Regulations*⁶.

50. Representation of applicant

It shall be necessary for any person appearing before the Board on behalf of an applicant to produce to the Chairman an order from the applicant so authorising him to appear.

51. Applicant attempting to influence Board disqualified

Any applicant for a holding or person appearing on behalf of an applicant who shall interview prior to the sitting of the Board, any member of the Board, with a view to influencing an application, shall be disqualified both as an applicant and as an agent.

52. Decision of Board final

In all cases of adjudication coming before the Board, the decision of the Board or of the majority of the members of the Board shall be final.

53. Interruption of Board meetings

No person shall interrupt the proceedings of the Board or cause a disturbance. Any person offending against this regulation shall be guilty of an offence and be liable to a penalty not exceeding \$20.

[Regulation 53 amended by Act No. 113 of 1965 s. 8(1).]

54. Secretary of Board

There shall be a secretary of the Board, who shall be responsible for the proper recording and indexing of the minutes, and shall carry out all work incidental to his position as may be required from time to time by the Board.

First Schedule

War Service Land Settlement
Western Australia

APPLICATION FOR CLASSIFICATION

I, (a), being a (b)
....., hereby apply for classification under the *War Service Land Settlement Scheme Act 1954*.

In support of this application I furnish the particulars as set forth on the back hereof.

.....
(Signature)

.....
(Postal Address)

.....
(Road Board District)

Date

(a) Name in full.

(b) State whether "member of the forces" or "discharged member of the forces". See footnote.

To the Chairman,
Land Settlement Board, Perth:

For Office Use Only
Decision of Classification Committee

Received

Entered

Notice to attend

Date of inquiry

.....

.....

.....

.....

Note. — See Regulations 6 and 7 for "Member of the Forces" and "Discharged Member of the Forces".

Questionnaire

Question	Answer
1. Date of birth?	
2. To which of the forces (naval, military or air) do you, or did you, belong?	
3. What is, or was — (a) Your identification number? (b) Your regimental number? (c) Your unit?
4. If you are a discharged member of the forces of the present war, what was — (a) Your length of service? (b) The date of your discharge? (c) The reason for your discharge?
5. What physical disabilities (if any) do you suffer from by reason of wounds or disease resulting from your naval, military or air force service? State particulars as to loss of limb or faculty, or as to condition of health.	
6. Are you in receipt of a pension in respect to your war service? If so, state percentage of disability.	
7. What form of farming or grazing do you desire to follow, and in what district?	
8. What experience have you had (if any) in farming or pastoral pursuits? State where, quote the period and class of farming, etc., engaged in, and the name of your employer when you joined the forces.	
9. What is the amount of capital at your disposal?	
10. Are you to be financially assisted by your parents or any person? If so, to what extent?	
11. Are you single, married, or a widower, if married, or a widower, state number of children dependent on you.	
12. What land (if any) do you at present own or have an interest in? State particulars.	

War Service Land Settlement Scheme Regulations 1954
First Schedule

Question	Answer
13. If married, what land or interest in land (if any) does your wife own? State particulars.	
14. Should it become necessary for you to be interviewed in connection with this application, and you are in Western Australia, at what centre would you prefer such interview to take place?	

Date

.....
(Signature of Applicant)

Second Schedule

War Service Land Settlement

**CERTIFICATE OF QUALIFICATION TO APPLY FOR LAND UNDER
THE WAR SERVICE LAND SETTLEMENT SCHEME ACT 1954**

[insert departmental address]
....., 20

Certificate No.

THIS IS TO CERTIFY that we have investigated the qualifications of
and we are satisfied that he is (a),
is suitable and sufficiently experienced to entitle him to apply for land under the
War Service Land Settlement Scheme Act 1954, for the purpose of (b)

Dated this day of, 20

.....
Chairman
.....
.....
.....

Members Classification Committee.

Signature of person in whose name this
Certificate is issued

- (a) Insert "Member of the Forces", "Discharged Member of the Forces" (as defined in 6 and 7 of these regulations) as the case may be.
- (b) Insert "Sheep and Wheat Farming", "Dairy Farming", "Pastoral Pursuits", "Fruit Growing", "Mixed Farming", whichever is applicable.

This Certificate of itself does not entitle the holder to be allotted a farm, but as far as possible the demand for farms will be met.

[Second Schedule amended in Gazette 29 Dec 2006 p. 5919.]

Third Schedule

Correspondence No.

S. 824.

WESTERN AUSTRALIA

The War Service Land Settlement Scheme Act 1954

Lease No.

APPLICATION FOR A PERPETUAL LEASE

Division Land District

Plan Location or Lot No.

I HEREBY apply for a Perpetual Lease of the Crown land described below under the provisions of the *War Service Land Settlement Scheme Act 1954* and the regulations in force thereunder for the time being. I do not own any land or interest in any land except that which is described on the back hereof, and I am otherwise duly qualified to hold land under the abovementioned Act.

.....
Signature of Applicant.

Date

Office References

Noted on Public Plan

Surveyed, see Diagram or O.P.

Passed on Plan

Examined

Approval Notice Issued

Sketch sent to Land Agent

Name at full length, address, and calling of Applicant	Description of Holding applied for	Particulars	
	Location or Lot Nos. being the whole of the land comprised in farm W.S.L.S. No.	Value of Structural Improvements Half-yearly instalment on structural improvements Rental half-yearly commencing from the termination of Assistance period project (subject to increase for improvements to be apportioned)	\$ \$ \$

Received this application on of 20

.....
Chairman, Land Settlement Board.

Application approved, as shown above, to a depth of metres
below the natural surface, and subject to any necessary survey, this
..... day of 20

Lease to extend from 20

.....
*An officer authorised in this behalf
by the Governor, by order of the
Minister for Lands.*

.....*Accountant.*

Date 20

If applying for more than one holding please state order of
preference on back hereof.

**PARTICULARS OF LAND OWNED OR ANY INTEREST IN LAND
OWNED BY THE APPLICANT**

Land District Road Board District

Location or Lot Nos. Total Area

Nature of interest therein, *e.g.*, freehold, leasehold, partnership, sharefarming
agreement, etc.

.....
.....
.....
.....
.....
.....
.....
.....
.....

War Service Land Settlement Scheme Regulations 1954
Third Schedule

I wish to apply for the holdings in order of preference as shown hereunder.

Preference No.	Farm No.	Preference No.	Farm No.
1	16	.....
2	17	.....
3	18	.....
4	19	.....
5	20	.....
6	21	.....
7	22	.....
8	23	.....
9	24	.....
10	25	.....
11	26	.....
12	27	.....
13	28	.....
14	29	.....
15	30	.....

.....
 Signature of Applicant.

[Third Schedule amended in Gazette 24 Aug 2004 p. 3662.]



Notes

- ¹ This reprint is a compilation as at 17 May 2013 of the *War Service Land Settlement Scheme Regulations 1954* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>War Service Land Settlement Scheme Act Regulations 1954</i> ^{9,10}	4 Feb 1955 p. 207-22	4 Feb 1955
Untitled regulations	23 Nov 1955 p. 2864-5	23 Nov 1955
Untitled regulations	30 Aug 1957 p. 2636-7	30 Aug 1957
Untitled regulations	15 Jul 1958 p. 1563-4	15 Jul 1958
Untitled regulations	1 Nov 1961 p. 3041-2	1 Nov 1961
Untitled regulations	8 Nov 1962 p. 3677	8 Nov 1962
<i>Decimal Currency Act 1965</i> assented to	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
Untitled regulations	31 May 1966 p. 1422	31 May 1966
Reprint of the <i>War Service Land Settlement Scheme Act Regulations 1954</i> as at 6 Jul 2001 (includes amendments listed above)		
<i>War Service Land Settlement Scheme Amendment Regulations 2004</i>	24 Aug 2004 p. 3662	24 Aug 2004
<i>War Service Land Settlement Scheme Amendment Regulations 2006</i>	29 Dec 2006 p. 5918-19	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)
<i>Statutes (Repeals and Minor Amendments) Act 2011</i> s. 17 assented to 25 Oct 2011		26 Oct 2011 (see s. 2(b))
Reprint 2: The <i>War Service Land Settlement Scheme Regulations 1954</i> as at 17 May 2013 (includes amendments listed above)		

- ² Repealed by the *Land Administration Act 1997*.
- ³ The Act was proclaimed on 28 Jan 1955.
- ⁴ Repealed by the *Acts Amendment and Repeal (Statutory Bodies) Act 1985*.

- ⁵ Repealed by the *Statute Stocktake Act 1999* (Cwlth).
- ⁶ Repealed by the *Public Service Regulations* published in *Gazette* 14 Oct 1964 p. 3449-76, which were repealed by the *Public Service Regulations 1979*, which were repealed by the *Public Service Regulations 1988*.
- ⁷ The Commonwealth Employment Office no longer exists.
- ⁸ Repealed by the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* s. 3.
- ⁹ Regulations 18, 19 and 24 disallowed on 4 Oct 1955. See *Gazette* 4 Nov 1955 p. 2724.
- ¹⁰ Now known as the *War Service Land Settlement Scheme Regulations 1954*; citation changed (see note under r. 1).

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Act.....	3
Allotment Board	3
applicant.....	3
assistance period	3
Board.....	3, 40
Classification Committee	3
conditions.....	3
Crown lands	3
eligible person.....	3
holding	3
lessee.....	3
member of the Forces.....	6(b)(iii), 7(b)(ii)
Minister.....	3
operational area.....	7(b)(ii)
port.....	7(b)(ii)
prescribed.....	3
private land	3
project	3
regulations.....	3
scheme	3
settler.....	3
structural improvements.....	3
war	6(b)(iv), 7(b)(ii)
war service	6(b)(v), 7(b)(ii)