



Western Australia

Group Settlers' Advances Act 1925

Compare between:

[06 Jul 1998, 00-a0-05] and [04 Jul 2006, 00-b0-05]

Group Settlers' Advances Act 1925

An Act relating to Advances by the Department of Lands and Surveys to enable Group Settlers and other Persons to acquire Live Stock and other Chattels, and to cultivate and improve their Holdings.

~~[Assented to 12th September, 1925.]~~

Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

1. Short title

This Act may be cited as the *Group Settlers' Advances Act 1925*.

2. Advancers for chattels, etc., to be a charge thereon

Whenever live stock or other chattels are supplied by the Department of Lands and Surveys to a group settler or other person, and whenever advances are made, and so far as advances have hitherto been made, by the Department of Lands and Surveys to a group settler or other person to enable him —

- (a) to acquire live stock or other chattels; or
- (b) to cultivate, crop, or improve a holding,

such live stock and chattels (including the progeny of live stock) and the crops raised on such holding, while growing and afterwards when cut or severed from the soil, shall, by virtue of

this Act alone, be mortgaged to and the property therein shall vest in the Minister for Lands, on behalf of His Majesty the King, until the money due from such group settler or other person to the Department of Land and Surveys in respect of such chattels or advances shall have been paid by such group settler or other person to the Minister.

3. Register to be kept

A register, with an alphabetical index of the names and addresses of all group settlers and other persons to whom chattels have been supplied or advances have been made, shall be kept at the Department of Lands and Surveys in Perth, in which a memorandum shall be registered of every statutory mortgage under this Act, and such register shall be open to public inspection free of charge; but the *Bills of Sale Act 1899*, and its amendments shall not apply, or be deemed to have applied, to any statutory mortgage under this Act, or to any agreement, bill of sale, or other instrument, whether made before or after the commencement of this Act, whereby chattels or crops are charged with the payment of money due for chattels supplied, or with the repayment of any such advances as aforesaid; and no group settler or other person as aforesaid shall, in any proceedings in bankruptcy, be deemed the reputed owner thereof.

4. Power of sale

Subject to the express provisions of any such agreement, bill of sale, or instrument, the amount due for chattel supplied, or in respect of such advances as aforesaid, with interest at the agreed or prescribed rate, shall be payable on demand; and in case of default in payment the Minister for Lands, or any person acting with his authority, may enter upon any holding, and may take and continue in possession of and may remove and sell the chattels and crops, and out of the proceeds, after payment of all costs and expenses, pay and so far as the net proceeds extend satisfy the moneys due to the Department of Lands and Surveys,

and any deficiency shall be payable by the group settler or other person to whom the chattels were supplied, or the advances made.

5. Meaning of the words “holding” etc.

In this Act the word “**holding**” means any land of which a group settler or other person is in occupation or entitled to occupy under the provisions of the *Land Act 1898*, the *Agricultural Lands Purchase Act 1909*, or any Act relating to closer settlement, or any regulations thereunder, and includes any land within a settlement area allotted to any person with the view to the acquisition by him of a holding as aforesaid; and the words “**group settler or other person**” mean a person who under any scheme for closer settlement, or on any area specified in the register under this Act, is or was in occupation of any holding or allotment; and the word “**advances**” includes payments made to a group settler or other person for work and labour on his holding or allotment, or on any other allotment of a group in which the holding or allotment of the settler or other person is comprised; and the word “**crops**” includes sown grasses for permanent pasture; and the words “**Minister for Lands**” include the Minister for Lands in office for the time being.

Notes

- ^{1.} This is a compilation of the *Group Settlers' Advances Act 1925* and includes all amendments effected by the other Acts referred to in the following Table.

Table of Acts

Compilation table

Act <u>Short title</u>	Number and Year <u>year</u>	Assent	Commencement	Miscellaneous
<i>Group Settlers' Advances Act 1925</i>	2 of 1925	12 Septembe <u>September</u> 1925	12 September <u>Sep</u> 1925	
<u>This Act was repealed by the Statute Law Revision Act 2006 s. 3(1) (No. 37 of 2006) as at 4 Jul 2006 (see s. 2)</u>				