

RETURNED SOLDIERS SETTLEMENT (AMENDMENT) ACT.

Act No. 24, 1917.

An Act to make further provision for the settlement of returned or discharged soldiers and sailors ; to provide for and maintain training farms for such soldiers and sailors ; to amend the Returned Soldiers Settlement Act, 1916, the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Closer Settlement Promotion Act, 1910, and the Acts amending those Acts ; and for purposes consequent thereon or incidental thereto. [Assented to, 7th November, 1917.]

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “Returned Soldiers Settlement (Amendment) Act, 1917.”

2. Section two of the Returned Soldiers Settlement Act, 1916, is repealed and the following is inserted in its place :—

2. (1) In this Act unless the context otherwise requires “discharged soldier” means—

- (a) any person who being or having been a resident in the Commonwealth of Australia enlisted as a member of the naval or military forces of the Commonwealth for service outside the said Commonwealth, or enlisted in the United Kingdom, or in any of His Majesty's Dominions for service in His Majesty's naval or military forces, and has served in such forces in the present war outside the Commonwealth ;
- (b)

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- (b) any person who being or having been resident in the said Commonwealth enlisted in the naval or military forces of the said Commonwealth for active service abroad in the present war, but whose service was confined to the said Commonwealth, and who, in the opinion of a classification committee, was unable, through circumstances not within his own control, to serve abroad as aforesaid; and in either such case—
- (c) has received his discharge, and is resident in the Commonwealth.

The Minister may extend the above definition to include any person who, not being or having been resident in the said Commonwealth, enlisted as a member of the naval or military forces of the United Kingdom or of any of His Majesty's dominions, and has served in such forces in the said war outside the country where he enlisted, and has received his discharge and is resident in the Commonwealth:

Provided that the above definition shall not include any person whose discharge from service was due to misconduct or incapacity resulting from his own default.

(2) Unless the context necessarily requires a different meaning, expressions defined in the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, or the Irrigation Act, 1912, shall bear the same meaning in this Act.

New s. 3A.

3. The following new section is inserted next after section three of the same Act:—

Preferential
right certi-
ficate.

3A. It shall be lawful for the Minister to issue to any discharged soldier or to any person applying under section 4D on behalf of a soldier or sailor on active service a certificate of preferential right, entitling the recipient to the farm or block described therein and situated within any area set apart for any specified tenure under the Returned Soldiers Settlement Act or the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts or any Acts amending the same; and upon the issue of such certificate the soldier or sailor named therein shall be deemed to have had such farm or block confirmed

confirmed to him without reference to the local land board; and subsection seven of section four of this Act shall not apply in relation to such application:

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Provided that in the notification of the setting apart of any area designed exclusively for the holders of preferential right certificates such notification shall state that the land so set apart shall be available only for the holders of such certificates.

4. Section four of the same Act is amended as follows:—

Amendments
to s. 4.

- (a) In subsection one omit "the last preceding section", insert "section three."
- (b) In subsection four omit "or the next preceding section" insert "Act"; and at the end of the subsection insert the following:—"Provided that in the case of a discharged soldier who enlisted within six months before the declaration of peace, the application shall not be made until peace is declared."
- (c) In subsection five omit "a classification committee" and insert "classification committees and"; omit "which" insert "a committee"; omit "This committee" insert "A committee"; at end of subsection insert "and if not so satisfied may refuse to issue the certificate."
- (d) In subsection six omit "the classification committee" and insert "a classification committee".

5. The following new sections and short headings are inserted next after section four of the same Act:—

New sections
4A, 4B, 4C, 4D,
4E, 4F.

Right to purchase returned soldiers' special holdings.

4A. The holder of any holding by way of lease under the last preceding section may with the exception of a holding within an irrigation area apply to purchase the land held thereunder subject to the following conditions and provisions:—

Purchase of
special
holdings.

- (a) The application shall be made as prescribed and shall be accompanied by a deposit as prescribed. If the holding is subject to mortgage, the mortgagee shall join in the application.
- (b)

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- (b) The local land board shall report to the Minister whether there is any objection to the granting of the application, and generally as to the merits thereof; and if it considers that the application is unobjectionable shall determine the capital value of the land as at the date of the application to purchase, which determination shall be irrespective of the value of any improvements effected by the holder.
- (c) After receipt of such report the Minister may at his discretion grant or refuse the application either as to the whole or any part of the holding applied to be purchased.
- (d) Any areas required for roadways or other public purposes may be excluded, and the boundaries may be otherwise modified at the discretion of the Minister.
- (e) The purchase money shall be paid by fifteen equal annual instalments, the first of such instalments being payable within three months of the date of demand made for the same, and one of the remaining instalments shall be paid in each succeeding year on the recurring date of the granting of the application to purchase, or within three months thereafter, until the purchase money, together with interest at the rate of two and one-half per centum per annum, is paid; provided that two or more such instalments may be paid in any one year.
- (f) If the applicant be dissatisfied with the price determined by the local land board he may, within one month after such determination, withdraw his application upon payment of costs as assessed by the local land board.
- (g) The purchase shall be subject to a condition of residence for a period of five years from the date of the granting of the application to purchase, but such term shall be reduced by the period of residence performed in respect of the holding.

(h)

- (h) Any special conditions which attached to the holding shall until the grant is issued attach to the purchase. **George V, No. 24.**
- (i) After the expiration of the term of residence the local land board shall inquire whether all conditions other than payment of purchase money have been duly complied with, and upon the local land board certifying that such conditions have been complied with, and upon payment of the balance of purchase money and such other moneys as may be due and payable, a Crown grant shall be issued in the prescribed form to the then holder.
- (j) If default is made in paying any moneys due in respect of any such purchase, or if the Minister is satisfied that any condition attaching to the holding has not been or is not being complied with, the purchase may be declared to have lapsed, and all moneys paid in respect of the land, and all improvements thereon, shall thereupon become forfeited.

Soldiers' group purchases.

4B. (1) The Minister may by notification in the Gazette set apart for sale any Crown lands or lands acquired under the Closer Settlement Acts or otherwise as a settlement for a group of soldiers, stating therein the prices and the terms and conditions of sale of such lands. Any notification under this section may by like notification be amended or revoked. **Soldiers' group purchases.**

(2) Such settlement shall be subdivided into blocks of such areas as the Minister may determine to be home maintenance areas.

(3) A group shall consist of discharged soldiers approved by the Minister. The group shall not consist of more discharged soldiers than there are home maintenance areas in the settlement.

(4) After a discharged soldier joins a group the Minister, upon being satisfied as to the fitness and suitability of such soldier, may in his discretion allot him a block in the settlement.

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(5) Such allotment shall be subject to such conditions as the Minister may prescribe, and shall not confer a right of ownership either to the land or any improvements thereon. Where the Minister is satisfied that any discharged soldier to whom a block has been allotted is not complying with the conditions of such allotment, he may cancel the allotment at any time prior to the confirmation thereof. Such soldier shall not be entitled to any compensation whatsoever in respect of such cancellation.

(6) Within twelve months from the date of allotment the Minister, if satisfied of the fitness and suitability of the soldier, may confirm the allotment, and the title to the holding shall commence from the date of such confirmation as notified in the Gazette.

(7) A Crown grant of the land shall be issued upon the Minister being satisfied that the conditions attaching to the block have been fulfilled, and on payment of the purchase money, deed fee, and stamp duty, and any money owing by the holder to the Crown in respect of the block or any improvements thereon.

Closer settlement promotion.

Extension of
Closer
Settlement
Promotion
Acts.

4c. The provisions of the Closer Settlement Promotion Act, 1910, and of the Closer Settlement (Amendment) Act, 1914, authorising any three or more persons who are duly qualified to make applications to bring certain land under the first-mentioned Act are hereby extended to authorise any one or more discharged soldiers, if duly qualified, to make any such application.

Application by parent or relative.

Applications
by parent or
relative.

4d. A parent or other relative or any person may, on behalf of a soldier or sailor on active service abroad with the Australian Imperial Forces or with any other naval or military force raised in the Commonwealth by the Minister for Defence, make application for any land available under this Act.

The application shall be made as prescribed and the consent of the Minister shall be obtained before the application is lodged.

Except

Except where otherwise provided the local land board, or in the case of a holding within an irrigation area the Water Conservation and Irrigation Commission, shall, if satisfied that the application is made in the interest of a soldier or sailor on active service abroad, confirm the holding in his name. George V,
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In the event of the death of such soldier or sailor before entering into occupation of the holding or of his inability or unwillingness to occupy and work the holding within such period after his discharge, as the Minister may deem reasonable, or if in the opinion of the Minister such soldier or sailor has become disqualified to make an application under this Act the holding shall be forfeited.

Upon forfeiture the Minister may grant tenant-right (as defined by the Crown Lands Consolidation Act, 1913) in improvements to the person whom he considers most entitled thereto.

In other respects the holding shall be subject to the terms and conditions notified in the Gazette and to the provisions of this Act.

Training farms for discharged soldiers.

4E. The Minister may provide and maintain training farms or settlements to enable discharged soldiers to acquire the knowledge requisite for agricultural, pastoral, horticultural, viticultural, apicultural, or dairying pursuits, pig-raising, fruit-growing, or poultry or general farming, and to test their aptitude therefor, or may make such arrangements with the owners of private lands for carrying out the purposes aforesaid as are deemed expedient. Training
farms.

4F. Whenever residence is a condition attaching to a holding under this or the Crown Lands Acts or the Closer Settlement Acts and held by a soldier or sailor on active service abroad as defined in section 4D such condition shall be deemed to have been complied with by such service abroad for the period of the same. Residence
condition
deemed to
have been
complied
with.

6. Section seven of the same Act is amended as follows:— Amendment
of s. 7.

- (a) In subsection one after “shall” insert the words “if the Minister so directs”. (b)

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- (b) After subsection two insert the following new subsection :—

(2A) The Minister may from time to time, without reference to or report by a local land board, make advances to a discharged soldier with respect to any land which such soldier owns or leases or occupies as a share-farmer, for the purpose of—

- (a) the clearing, fencing, draining, water supply, and general improvement of the said land ;
- (b) the purchase of implements, stock, seeds, plants, and such other things as may be deemed necessary to satisfactorily occupy and develop the land ; or
- (c) the erection of buildings on land owned by such soldier or held by him under lease from the Crown or the Water Conservation and Irrigation Commission :

Provided that before any advance is made in respect of private land leased to a discharged soldier or occupied under a share-farming agreement the Minister shall require to be satisfied that the contract is equitable and advantageous to the discharged soldier.

- (c) At the end of subsection three insert the following :—

Provided also that the rate of interest per annum for advances made under this section shall not exceed three and one-half per centum for the first year, four per centum for the second year, and so on, the rate increasing by not more than one-half per centum for each subsequent year until such rate reaches the rate determined as aforesaid.

- (d) At the end of the section add the following new subsection :—

(4) If default is made in the payment of any moneys advanced or expended at any time under this section or of any instalment thereof or interest thereon, for a period of three months after demand made for payment thereof the holding in respect of which the money has been advanced

advanced or expended may be declared forfeited to the Crown together with all moneys paid thereon and all improvements on the land. Such demand shall be in writing signed by a person authorised by the Minister, and may be made by sending it by post to the owner of the holding at his last known address.

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7. The following section is inserted after section seven of the same Act:—

7A. Where the Minister is of opinion that any money advanced under this Act has not been applied to the purpose for which it was advanced, or has been expended in a careless or extravagant manner, or that any live stock (including pigs and poultry) or any implements supplied in pursuance of this Act, or the produce of such live stock are being neglected, he may refuse to pay any further instalments of the advance or to make any further advances, and, if he so declares by notification in the Gazette, all moneys already advanced, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

Advances
may be
stopped or
recallled.

8. Subsection ten of the same Act is amended as follows:—

Amendment
of s. 10.
Transfer.

- (a) After "otherwise dealt with" insert "before or after grant";
- (b) add the following at end of the section:—"Such consent shall not for a period of ten years from the date of commencement of title to the holding be given to a transfer or other dealing (other than by way of mortgage only) to or with any person who is not a discharged soldier; and any transfer or dealing within such period except by way of mortgage only, to any person other than a discharged soldier shall be invalid and void."

9. The following section and short heading are added at the end of the same Act:—

New s. 12.

Penalties.

12. (1) Any person who accepts or obtains or who agrees or offers to accept, and any person who aids, abets, or counsels any person to accept or obtain

Penalties.

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obtain, any gift or consideration as an inducement to withdraw any application under this Act shall be liable to a penalty not exceeding one hundred pounds, and to be imprisoned with or without hard labour for any term not exceeding six months.

(2) A person convicted of an offence against the preceding subsection who applies for any holding under this Act within one year from the date of such conviction shall be liable to a penalty not exceeding fifty pounds.
