

WAR SERVICE LAND SETTLEMENT AGREEMENT ACT.

Act No. 6, 1946.

George VI. An Act to approve and ratify an Agreement
No. 6, 1946. between the Commonwealth of Australia
and the State of New South Wales in
relation to War Service Land Settlement:
and for purposes connected therewith.
[Assented to, 7th January, 1946.]

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

Short
title.

1. This Act may be cited as the "War Service Land
Settlement Agreement Act, 1945."

Approval
and ratifica-
tion of
agreement.

2. The agreement, a copy of which is set forth in the
Schedule to this Act, is hereby approved and ratified.

Sec. 2.

SCHEDULE.

AGREEMENT made the twenty-eighth day of November, one thousand
nine hundred and forty-five, BETWEEN THE COMMONWEALTH
OF AUSTRALIA (in this agreement called "the Commonwealth")
of the first part and THE STATE OF NEW SOUTH WALES
(in this agreement called "the State") of the second part.

WHEREAS at a conference of Commonwealth and State Ministers
at Canberra on the twenty-second day of August, one thousand nine
hundred and forty-five, certain proposals were agreed to with a view
to the settlement on land in the State of discharged members of the
Forces and other eligible persons:

AND WHEREAS it is expedient that an agreement be made between
the Commonwealth and the State in order to carry into effect the said
proposals:

NOW IT IS HEREBY AGREED as follows:—

1. This agreement shall have no force or effect and shall not be
binding on either party unless and until it is approved by the
Parliament of the State.

2.

2. (1) In this agreement—

No. 6, 1946.

“applicant” means a person applying to participate under the scheme;

“Crown land” means Crown land as defined in the land laws of the State;

“eligible person” means—

(a) a discharged member of the Forces who has been honorably discharged after not less than six months’ war service, or having, in the opinion of the appropriate State authority, been materially prejudiced by reason of his war service, has been honorably discharged after less than six months’ war service; or

(b) a person included in a class of persons (if any) which the Commonwealth with the concurrence of the State determines shall be deemed eligible to participate in land settlement under the scheme;

“holding” means the land allotted to a settler under the scheme;

“member of the Forces” has the same meaning as in section 4 of the Re-establishment and Employment Act, 1945, of the Commonwealth;

“private land” means all land other than Crown land;

“settler” means a person who has been allotted a holding under the scheme;

“the scheme” means the scheme of land settlement contained in this agreement;

“the war” means the war which commenced on the third day of September, one thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of this agreement;

“war service” has the same meaning as in paragraphs (a), (b), (c), (d), and (e) of the definition of “War service” in section 4 of the Re-establishment and Employment Act 1945 of the Commonwealth.

(2) For the purposes of this agreement, a member of the Forces who has ceased to be engaged on war service shall be deemed to have been discharged.

3. Land settlement under the scheme shall be carried out in accordance with the following principles:—

(a) Settlement shall be undertaken only where economic prospects for the production concerned are reasonably sound, and the number of eligible persons to be settled shall be determined primarily by opportunities for settlement and not by the number of applicants.

(b) Applicants shall not be selected as settlers unless a competent authority is satisfied as to their eligibility, suitability and qualifications for settlement under the scheme and their experience of farmwork.

(c)

War Service Land Settlement Agreement Act.**No. 6, 1946.**

- (c) Holdings shall be sufficient in size to enable settlers to operate efficiently and to earn a reasonable labour income.
 - (d) An eligible person deemed suitable for settlement shall not be precluded from settlement by reason only of lack of capital, but a settler will be expected to invest in the holding such proportion of his own financial and other resources as is considered reasonable in the circumstances by the appropriate State authority.
 - (e) Adequate guidance and technical advice shall be made available to settlers through agricultural extension services.
4. (1) The Commonwealth shall in the carrying out of the scheme provide financial and other assistance as is hereinafter set forth.
- (2) The State shall initiate proposals for settlement under the scheme but the Commonwealth may initiate proposals where these are directly associated with any matter in respect of which the Commonwealth has power to make laws.
5. The State shall provide capital moneys required for the purpose of acquiring, developing and improving land for settlement under and in accordance with the terms of this agreement.
6. (1) The State shall bear the cost of all State administration of the scheme.
- (2) The State shall make a capital contribution in respect of each holding of an amount equal to one half of the excess of the total cost involved in acquiring, developing and improving the holding over the sum of valuations of the land and improvements.
- (3) The amount of capital contribution to be determined in accordance with the last preceding subclause shall, if required by a State, be separately and independently assessed in respect of land and improvements.
- (4) The valuations referred to in subclause (2) of this clause shall be made by officers appointed by the Commonwealth and State in consultation for the purpose.
- (5) In making the valuations, the officers shall have regard to the need for the proceeds of the holding (based on conservative estimates over a long-term period of prices and yields for products) being sufficient to provide a reasonable living for the settler after meeting such financial commitments (excluding principal repayments under any agreement between the State and the settler for the purchase of land) as would be incurred by a settler possessing no capital.
- (6) Where settlement is on Crown land or acquired leasehold land, an amount to be agreed upon between the Commonwealth and the State shall be included in the total cost referred to in subclause (2) of this clause to cover the State's interest in the land.
- (7) The State shall bear one-half of the cost involved in the remission of rent and interest during the assistance period referred to in clause 13 of this agreement.
- (8) The State shall bear one-half of any losses (to be assessed on a basis to be agreed upon by the Commonwealth and the State) incurred by the State in pursuance of arrangements made in accordance with clause 15 of this agreement.
- (9)

War Service Land Settlement Agreement Act.

353

(9) The State shall, subject to clause 7 of this agreement, be No. 6, 1946,
responsible for all other costs arising directly from settlement under
the scheme.

7. (1) The Commonwealth shall bear the cost of Commonwealth
administration of the scheme.

(2) The Commonwealth shall provide training and pay to
applicants selected for training living allowances and certain
transport and other expenses incidental to their training.

(3) The Commonwealth shall provide living allowances for
settlers during the assistance period referred to in clause 13 of this
agreement and meet one-half of the costs involved in the remission
of rent and interest provided for in that clause.

(4) The Commonwealth shall make a capital contribution in
respect of each holding of an amount equal to one-half of the excess
referred to in subclause (2) of clause 6 of this agreement.

(5) The Commonwealth shall bear one-half of the losses referred
to in subclause (8) of clause 6 of this agreement.

8. Any excess of the total cost involved in acquiring developing
and improving the holding over the valuations made in accordance
with the provisions of clause 6 of this agreement shall be written off
and those valuations shall, unless otherwise agreed by the
Commonwealth and the State, be accepted for the purpose of applying
the terms and conditions relating to tenure of land made available
for settlement under this agreement.

9. All financial matters relating and incidental to the carrying out
of the scheme shall be arranged in a manner satisfactory to the
Treasurer of the Commonwealth and the Treasurer of the State.

10. The following procedure shall be observed in connexion with
the approval of proposals for settlement under the scheme brought
forward by the State:—

(a) After the State has selected such land as appears suitable
for settlement it shall immediately take all practicable and
necessary measures to prevent the land or any part thereof
being dealt with otherwise than as is provided in this
agreement.

(b) The State shall submit to the Commonwealth certain
information to be agreed upon by the Commonwealth and
the State and shall confer with the Commonwealth to
determine whether a detailed survey of the land is required,
and, if both the Commonwealth and the State agree that a
detailed survey is required, this will be undertaken by the
State with the assistance where necessary of relevant
Commonwealth authorities: Provided that if, before the fifth
day of October, one thousand nine hundred and forty-four,
the State had selected land for settlement and completed or
substantially completed all surveys thereof considered
necessary by the Commonwealth, the State may immediately
submit the proposals in the manner provided in the next
succeeding paragraph and no further survey of the land shall
be required.

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(c)

War Service Land Settlement Agreement Act.

No. 6, 1946.

- (c) The State shall submit to the Commonwealth details of proposals for settlement including plans and such particulars relating to the proposed subdivision, development and use of the land as the State and the Commonwealth agree upon.
- (d) The Commonwealth and the State shall confer on each proposal and decide whether it should be accepted, either with or without alteration or modification, as an approved plan of settlement.

11. (1) The State shall—

- (a) set apart or resume as the case may be, for settlement such land comprised in an approved plan of settlement as is Crown land; and
- (b) acquire compulsorily or by agreement and at a value not exceeding that ruling on the tenth day of February, one thousand nine hundred and forty-two, private land or lands held under lease from the Crown comprised in an approved plan of settlement.

(2) The State shall subdivide develop and improve the land to a stage where it can be brought into production by a settler within a reasonable time having regard to the type of production proposed.

12. The following principles shall be adhered to in training, selecting and settling applicants under the scheme:—

- (a) A member of the forces while still engaged on war service may, if permitted to apply for land under any law of the State dealing with the settlement of servicemen on the land in force prior to the fifth day of October, one thousand nine hundred and forty-four, apply to participate under the scheme, but he shall not be eligible to participate in any concessions to which the Commonwealth is required to contribute any part of the cost until he has ceased to be engaged on war service and has been classified as suitable for settlement in accordance with the provisions of paragraph (c) of this clause.
- (b) An eligible person may apply to participate under the scheme not more than five years after—
 - (i) the fifteenth day of August, one thousand nine hundred and forty-five; or
 - (ii) the date when he ceased to be engaged on war service,

whichever is the later.

- (c) An applicant for settlement shall apply to the appropriate State authority which shall on behalf of the Commonwealth—
 - (i) determine whether an applicant is an eligible person; and
 - (ii) classify eligible persons as suitable (either immediately or after training or further experience) or as unsuitable for settlement.

(d)

- (d) Where training or further experience is considered desirable **No. 6, 1946.**
by the State authority it shall be provided mainly by
employment with farmers approved by the State authority.

13. (1) There may be granted to a settler during the period of one year next following the allotment of a holding to him (hereinafter referred to as "the assistance period") a living allowance at such rate and subject to such conditions as may be fixed by the Commonwealth.

(2) During the assistance period the settler shall not be required to pay any rent or interest in respect of the holding or to make any payments on account of principal or interest in respect of advances (other than advances for working capital) made under clause 15 of this agreement.

(3) In special circumstances and upon conditions approved by the Commonwealth, further assistance may in any particular case be extended beyond the said period of one year.

14. (1) The net proceeds of the holding during the assistance period shall be paid to an authority prescribed by the State and credited by that authority against future obligations of the settler in respect of advances for stock, plant and equipment, and improvements, and in respect of rent or interest on land in a proportion to be determined by the authority.

(2) At least one-half of the proceeds shall be credited to future obligations in respect of stock, plant and equipment.

(3) The authority may, in any particular case, waive the requirements of the last two preceding subclauses, if, in its opinion, the circumstances of the case are such that it is desirable to do so.

(4) Wherever practicable the whole of a settler's finances relating to his settlement under the scheme shall be controlled by one authority. The authority shall record separately any advances in respect of which the Commonwealth under this agreement accepts any liability in the event of loss.

15. (1) The State shall make such arrangements as may be approved by the Commonwealth for the making of advances to settlers, upon such conditions as may be agreed upon between the Commonwealth and the State, for the purpose of providing working capital and paying for and effecting improvements and acquiring stock, plant and equipment.

(2) The arrangements referred to in subclause (1) of this clause may include the giving of guarantees by the State.

16. In the event of the settler not being able to meet all his current obligations under the scheme such amounts as are received from the settler shall be applied to his obligations in respect of advances for working capital, stock, plant or equipment, improvements, rent or interest on any balance outstanding on the purchase price of the land, in the order in which the obligations are set out in this clause.

No. 6, 1946. 17. The form and conditions of tenure on which a holding is to be held by a settler shall be determined by the State.

IN WITNESS whereof the Prime Minister of the Commonwealth and the Premier of the State have hereunto set their hands the day and year first above written.

SIGNED BY THE PRIME MINISTER
OF THE COMMONWEALTH for
and on behalf of the Common-
wealth in the presence of—

J. B. CHIFLEY.

F. STRAHAN.

SIGNED BY THE PREMIER OF THE
STATE for and on behalf of
the State in the presence of—

W. J. MCKEILL.

J. W. FERGUSON.

Under Secretary, Premier's Department,
Sydney.
