

## RETURNED SOLDIERS SETTLEMENT ACT.

### Act No. 21, 1916.

George V, No. 21. **An Act to make provision for the settlement of returned soldiers on Crown lands or lands acquired under the Closer Settlement Acts; to amend the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Murrumbidgee Irrigation Act, 1910, and the Irrigation Act, 1912; and for purposes consequent thereon or incidental thereto. [Assented to, 19th April, 1916.]**

**B**E 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:—

Short title.

**1.** This Act may be cited as the "Returned Soldiers Settlement Act, 1916."

Inter-pretation of terms.

**2.** In this Act the term "discharged soldier" means any person who—

- (a) has been a member of the Australian Imperial Forces, or of any other naval or military force raised in the Commonwealth of Australia by the Minister of Defence for service in the war in which His Majesty is at present engaged, or, though a resident of the Commonwealth, has joined the naval or military force of Great Britain during the said war; and
- (b) has served outside the Commonwealth in connection with the said war; and

(c)

- (c) has returned to this State, and has received his discharge from service either before or after his return to this State: George V,  
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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.

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.

SPECIAL SETTLEMENTS FOR OCCUPATION BY DISCHARGED SOLDIERS.

*Ordinary tenures.*

**3.** The Minister may, by notification in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to be disposed of under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts to discharged soldiers exclusively. Areas may be set apart for selection by discharged soldiers.

Any notification under this section may by a like notification be amended or revoked.

*Special tenures.*

**4.** (1) In addition to the powers conferred by the last preceding section the Minister may, by notification in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to be disposed of by way of sale or lease to discharged soldiers in the manner hereinafter provided. Special provision for settlement of discharged soldiers.

(2) Any notification under this section may by a like notification be amended or revoked.

(3) The land so set apart shall be subdivided into such blocks, and disposed of at such prices, capital values, rents, or charges for water, and subject to such conditions as the Minister or—in the case of holdings within an irrigation area—the Water Conservation and Irrigation Commission may determine.

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(4) Any discharged soldier who desires to become an applicant for land set apart under this or the next preceding section must first register his name and make a declaration on a form to be prescribed with a view to obtaining the necessary qualification certificate entitling him to apply for land.

(5) The Minister may appoint a classification committee the members of which shall not exceed three in number.

This committee shall investigate the qualifications of each discharged soldier who has registered his name as aforesaid, and if satisfied that he possesses the necessary qualifications it shall issue a certificate to that effect on a form to be prescribed.

(6) On and after the date notified for such purpose a discharged soldier who has received a qualification certificate from the classification committee may apply in the prescribed form and manner for any block notified as available. The application shall be accompanied by the qualification certificate, or a copy thereof.

(7) All applications shall be dealt with by the local land board, which shall confirm or disallow an application unless it permits its withdrawal, or, in the case of holdings within an irrigation area, shall report to the Water Conservation and Irrigation Commission, which shall grant or refuse the application, and the board shall as far as practicable assist applicants in acquiring blocks suitable to their experience, capital, and physical fitness.

(8) The Minister may direct any local land board to deal with any matter, question, or inquiry that has arisen or shall arise without regard to the land board district or land district in which the land forming the subject of such matter, question, or inquiry may be situated. And the said local land board shall have as full power and jurisdiction to deal with the matter as if the land aforesaid were situated within such board's proper land board district or land district.

(9) Except as may be otherwise provided by this Act, or by regulation under this Act, the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, or of any other

other Act relating to the administration of Crown land, or land acquired under the Closer Settlement Acts, or the Murrumbidgee Irrigation Act, 1910, shall not apply to lands disposed of under this section. **George V,  
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*Appeal.*

**5.** There shall be no appeal to the Land Appeal Court from the decision of the local land board or the Water Conservation and Irrigation Commission dealing with applications under this Act: Provided that the Minister may, within twenty-eight days after the decision of the local land board or the Water Conservation and Irrigation Commission has been given, refer such decision for determination to the Land Appeal Court, and in such cases the decision of the Land Appeal Court shall be final.

*Regulations.*

**6.** (1) The Governor may make regulations pre-  
scribing—

- (a) the manner, form, and conditions in and under which applications for any holdings under this Act may be made;
- (b) with respect to any land, whether it shall be disposed of by way of sale or by way of lease;
- (c) in the case of land to be disposed of by way of sale, the terms and conditions of such sale, including conditions relating to the payment of the purchase money;
- (d) in the case of lands to be disposed of by way of lease, the conditions of such lease, including provisions as to—
  - (i) the form or forms of leases;
  - (ii) the term or terms for which leases may be granted;
  - (iii) the acquisition of the fee-simple by lessees;
  - (iv) improvements to be effected by lessees;
  - (v) residence of lessees on the land;
  - (vi) the method of computing the rent and charges for water to be paid by lessees and the due dates for payment of such rent and charges for water; and
  - (vii) the transfer, surrender, and forfeiture of the leases;

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- (c) the application of any of the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, or of any other Act relating to the administration of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to lands disposed of under section four hereof;
  - (f) such other matters as in the opinion of the Governor may be necessary or expedient for the purpose of giving full effect to the provisions of this Act.
- (2) Such regulations shall—
- (i) be published in the Gazette;
  - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
  - (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall therefrom cease to have effect.

*Financial and other assistance to settlers under this Act.*

Minister may assist settlers with respect to erection of buildings, purchase of stock, &c.

**7.** (1) In considering applications under this Act the local land board shall take into consideration, either with or without special application, the advisability of assisting applicants with respect to any of the following matters:—

- (a) The clearing, fencing, draining, water supply, and general improvement of land disposed of under this Act;
  - (b) the erection of buildings on any such land; and
  - (c) the purchase of implements, stock, seeds, plants, trees, and such other things as may be deemed necessary to satisfactorily occupy and develop the land.
- (2)

(2) If in the opinion of the local land board it is advisable that assistance should be given to the applicant with respect to any or all of the foregoing matters, it shall make a recommendation to that effect to the Minister, or in the case of holdings within an irrigation area to the Water Conservation and Irrigation Commission, and shall set out in its recommendation the nature and extent of the assistance recommended and the grounds of the recommendation. On receipt of any such recommendation the Minister or the Water Conservation and Irrigation Commission, as the case may be, may take such action thereon as he or it thinks fit in accordance with the regulations under this Act.

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(3) All moneys advanced or expended by the Minister, or the Water Conservation and Irrigation Commission, as the case may be, under the authority of this section in respect of any land shall bear interest at such rate as may be determined by the Minister or the Water Conservation and Irrigation Commission, and shall be secured by way of a first mortgage over the said land and any improvements thereon or over the settlers' interest in the said land and improvements:

Provided that the Minister or the Water Conservation and Irrigation Commission may, in any case of hardship dispense, either wholly or in part, with the payment of interest under this section.

**8.** The Minister or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission may remit, wholly or in part, and for such period or periods as he or it thinks fit, any rent or charges for water payable by a discharged soldier under a lease issued pursuant to this Act or may postpone the payment of any such rent or charges for water, and may likewise postpone the payment of any instalment of the purchase money. Any sums which shall become due for instalments or rents or charges for water, and remain unpaid for a period of six months after the due date shall, from such date, be liable to interest at a rate not exceeding five per centum per annum: Provided that where the Minister or the Water Conservation and Irrigation Commission is satisfied that the circumstances warrant it he or it may remit such interest wholly or in part; and may extend the time for payment of all or any part of the sums due.

Remission of  
rent.

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Expenses of  
administration.

**9.** (1) All moneys required for advances or expenditure under this Act shall be paid out of the moneys provided by Parliament for such purposes.

(2) The Minister or the Water Conservation and Irrigation Commission may expend moneys in effecting improvements on or otherwise preparing blocks of land prior to their being set apart for application by discharged soldiers, and the moneys so expended shall bear interest at the rate and be secured in the manner provided by subsection three of section seven of this Act, unless it be otherwise provided in the notification setting apart the land.

(3) All moneys accruing from the sale or leasing of lands under this Act shall be disposed of as if they had accrued from the sale or leasing of Crown land under the Crown Lands Consolidation Act, 1913, or of land acquired under the Closer Settlement Acts, or the Murrumbidgee Irrigation Act, 1910, as the case may require.

Restriction  
on right of  
transfer.

**10.** Land leased or sold to a discharged soldier under this Act shall not be capable of being transferred or otherwise dealt with, unless the Minister's or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission's consent thereto has been obtained; and except where the Minister or such commission is satisfied that the settler is compelled by sickness of himself or family, financial difficulties or incapacity or other adverse circumstances, to leave his holding, it shall not be transferable—except by way of mortgage—until the expiry of five years from the date of the commencement of the lease or purchase.

Annual  
report.

**11.** (1) The Minister shall, as early as practicable after the end of each financial year, cause to be prepared a report showing for the previous financial year—

- (a) the aggregate areas of land set apart under this Act;
- (b) the number of applications received for such land, and the number of blocks and the aggregate area allotted;
- (c) the amount expended in assisting settlers under this Act; and
- (d) such other particulars as are prescribed.

(2)

**Irrigation (Amendment) Act.**

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(2) Every such report shall be laid before George V, Parliament within thirty days after the receipt thereof No. 21. by the Minister, if Parliament is then in session, and if not, then within thirty days after the commencement of the next ensuing session.

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