



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1313.

An Act to make further and better Provision for the Settlement of Discharged Soldiers on Land.

[*Assented to, November 15th, 1917.*]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Discharged Soldiers Settlement Act, 1917." Short title.

2. This Act is incorporated with the Crown Lands Act, 1915 (hereinafter referred to as "the principal Act"), and with the Irrigation and Reclaimed Lands Act, 1914, and those Acts and this Act shall be read as one Act; and, except so far as they are inconsistent with this Act, the provisions of the principal Act shall apply to and in respect of the lands set apart under this Act, both before and after they are allotted under this Act: Provided that, where the lands are within an irrigation area under the said Irrigation and Reclaimed Lands Act, the provisions of that Act, except so far as they are inconsistent with this Act, shall apply as aforesaid. Incorporation with Crown Lands Act, and application of that Act.

3. The Returned Soldiers Settlement Act, 1915, and the Returned Soldiers Settlement Act Amendment Act, 1916, are hereby repealed. Repeal of Acts No. 1226 of 1915 and No. 1264 of 1916.

4. In

Discharged Soldiers Settlement Act.—1917.

Interpretation.

4. In this Act—

“ Discharged soldier ” means any person who —

- (a) has been a member of the British Army or Navy or of the Australian Imperial Force or of any other naval or military force raised in any part of the British Empire for service in the war in which His Majesty is at present engaged, and
- (b) has served in connection with the said war; and
- (c) has received his discharge from service:

and includes the widow of any such person as is referred to in subdivision (a) of this definition who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted whilst on service in connection with the said war, leaving any children wholly or in part dependent upon his earnings at the time of his death:

Provided that nothing in this definition shall apply to—

- i. any person whose discharge from service was due to incapacity resulting from, or otherwise arose out of, his own default or misconduct, or
- ii. any person the terms of whose enlistment as such member as aforesaid did not render him liable to serve in connection with the said war outside the country wherein his enlistment took place, or
- iii. any person whose immigration into Australia is prohibited by the Immigration Restriction Act, 1901-1912, of the Parliament of the Commonwealth, or by any other Act for the time being in force regulating immigration into Australia.

“ Minister ” means the Minister of Repatriation or other the Minister of the Crown to whom the administration of this Act is committed by the Governor.

Incorporation of
Minister of Repatria-
tion.

5. (1) The Minister of Repatriation and his successors in office are hereby, for the purposes of this Act, constituted a body corporate with perpetual succession and a common seal, under the name of the “ Minister of Repatriation.”

(2) All Courts, Judges, and persons acting judicially, shall take judicial notice of such seal when affixed to any instrument, and shall, until the contrary is shown, presume that the same was properly affixed thereto.

Areas of Crown land
may be set apart for
allotment to
discharged soldiers.

Cf. 1226, 1915, s. 4.

6. (1) The Governor may from time to time, by proclamation, set apart any area or areas of Crown land for allotment pursuant to this Act to discharged soldiers.

(2) Any proclamation under this section may, at any time, be revoked in so far as it relates to land which is not required, or which is not suitable, for the purpose for which it was set apart.

(3) The

Discharged Soldiers Settlement Act.—1917.

(3) The cost of any land acquired under Part X. of the principal Act which is set apart under this Act for allotment to discharged soldiers shall not be taken into account in computing, for the purposes of section 153 of the principal Act, the total cost of all land acquired under the said Part during any period of two financial years.

7. (1) The Minister may, out of moneys provided by Parliament for the purpose, by repurchase acquire land for the purposes of this Act. Minister may purchase land for purposes of Act.

(2) Any land so acquired prior to the passing of this Act shall be deemed to have been acquired under the authority of this Act.

8. No land shall be set apart or acquired under this Act unless the Governor is satisfied, by the report of an officer of the Public Service appointed by the Minister in that behalf, that the land to be so set apart or acquired is suitable for the settlement of discharged soldiers thereon. No land to be set apart or acquired unless reported to be suitable.

9. (1) The land set apart under section 6 or acquired under section 7 shall be subdivided into such blocks as the Land Board, with the approval of the Minister, determines. Special provisions for settlement of discharged soldiers on Crown lands.

(2) Such blocks may be offered, in such manner as the Minister approves, to discharged soldiers on perpetual lease, or on leases for such terms of years as the Minister thinks convenient. Cf. *ibid.*, s. 5.

This subsection shall apply notwithstanding—

- i. that the land was acquired under Part IX. or Part X. of the principal Act or under any repealed Act or enactment providing for the acquisition of land by the Crown for homestead blocks or for closer settlement, and
- ii. that the land is within an irrigation area under the Irrigation and Reclaimed Lands Act, 1914.

(3) Any of such blocks which are not within an irrigation area under the Irrigation and Reclaimed Lands Act, 1914, may also be offered as aforesaid on agreement.

(4) Application for blocks shall be made to the Minister, and shall contain particulars as to the following matters:—

- (a) The name, address, and occupation of the applicant, and his occupation prior to becoming a member of any such force as mentioned in section 4 :
- (b) His service in the force of which he was a member, specifying—
 - i. the name of such force ;
 - ii. the period of his service, and the date of his discharge ;
 - iii. the reason for his discharge ; and

iv. particulars

Discharged Soldiers Settlement Act.—1917.

iv. particulars as to any physical disability caused by wounds or disease resulting from his service;

- (c) The block or blocks for which application is made;
- (d) The purpose for which the applicant proposes to use the land;
- (e) The experience of the applicant in the business for which he proposes to use the land, or in any other class of farming or cultivating land;
- (f) The amount of capital available for expenditure by the applicant in connection with the land;
- (g) The nature and estimated amount of assistance, if any, that the applicant will require to enable him to work the land successfully; and
- (h) Such other particulars as are prescribed.

(5) All applications shall be dealt with by the Minister, who shall grant such applications as he considers ought to be granted.

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

Cf. 1264, 1916, s.3.

10. (1) Any person whose application under section 9 has been granted by the Minister may apply to the Minister for an advance for any or all of the following purposes:—

- (a) The clearing, fencing, grading, draining, irrigating, and general improvement of any land allotted 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 for the successful occupation and cultivation of any such land.

(2) If in the opinion of the Minister it is desirable that assistance should be given to the settler for any or all of the purposes mentioned in subsection (1) hereof, the Minister may take such action in accordance with the regulations as he thinks fit.

(3) All moneys advanced or expended by the Minister under the authority of this section to or on behalf of any discharged soldier shall bear interest at such rate as is determined by the Minister, and in the case of moneys advanced for any of the purposes mentioned in subdivision (a) or (b) of subsection (1) hereof shall be secured by a first mortgage over such soldier's interest in his land, and in the case of moneys advanced for any of the purposes mentioned in subdivision (c) of the said subsection (1) shall be secured by a bill of sale or other security approved by the Minister over the goods and chattels purchased out of such moneys, and any other goods and chattels: Provided that—

- i. the Minister may, if he thinks fit in any case of hardship, dispense, either wholly or in part, with the payment of interest under this section; and

Discharged Soldiers Settlement Act.—1917.

- ii. in the case of any property which is encumbered by any previous mortgage or charge in favor of the Crown, a second mortgage or charge, with such collateral security as the Minister thinks fit, may be taken as security.

11. (1) Advances may be made under this Act to discharged soldiers who are the holders on lease or agreement under either of the Acts incorporated herewith of any land belonging to the Crown.

Power to make advances to discharged soldiers on Crown lands not allotted under principal Act.
Cf. *ibid.*, s. 4.

Such advances shall be in addition to any sum which may already have been advanced to or expended for such soldiers under the Advances to Settlers on Crown Lands Act, 1914, or the Irrigation and Reclaimed Lands Act, 1914, and may be made for all or any of the purposes mentioned in subsection (1) of section 10.

(2) Advances may also be made under this Act to any discharged soldier—

- (a) who is the owner of any estate of freehold in land, or the lessee of land under a lease (not being a lease from the Crown) having a term of not less than three years to run; or
- (b) who has entered into an agreement with the owner or lessee of any land to farm such land on shares.

In the case of any such lessee as referred to in subdivision (a) hereof, an advance may be made to him for the payment of rent in arrear under his lease.

(3) The provisions of subsections (2) and (3) of the said section 10 shall apply, *mutatis mutandis*, to an advance under this section as if it were an advance under the said section 10.

12. The Minister may remit, wholly or in part, and in respect of such period or periods as he thinks fit, any rent or purchase-money payable by a settler under a lease granted or agreement entered into pursuant to this Act, or may postpone the due date for the payment of any such rent or purchase-money.

Remission of rent.
1226, 1915, s. 7.

13. The Minister may clear and otherwise prepare for settlement any land to be offered for allotment under this Act or any Act incorporated herewith, and may, if he thinks fit, employ discharged soldiers for such purposes, on such terms and conditions as he thinks desirable.

Minister may employ discharged soldiers in clearing land.

14. All moneys received from discharged soldiers to whom land has been allotted under this Act shall be dealt with as if they were received in respect of land allotted under the principal Act or, where the lands are within an irrigation area under the Irrigation and Reclaimed Lands Act, 1914, as if they were received in respect of land allotted under that Act.

Disposal of moneys received from settlers.
Ibid., s. 8.

15. No

Discharged Soldiers Settlement Act.—1917.

Restriction on right
of transfer.

Ibid., s. 9.

15. No lease granted or agreement entered into under this Act shall be transferred, assigned, sublet, mortgaged, or encumbered, except with the consent of the Minister.

Governor may make
regulations.

Ibid., s. 10.

16. (1) In addition to any power by any other section of this Act, or by any provision of the principal Act, conferred on the Governor to make regulations as to any matter (which power shall in every case be implied for the purposes of any section of this Act in which regulations are referred to, or in which the word "prescribed" is used), the Governor may make any regulations which may be necessary or convenient for carrying out any of the provisions of this Act, or for better effecting the objects of this Act, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

(a) The conditions of leases granted and agreements entered into under this Act, including provisions as to—

- i. the form or forms of leases and agreements ;
- ii. improvements to be effected by lessees and purchasers ;
- iii. residence of lessees and purchasers on the land ;
- iv. the method of computing the rent and purchase-money to be paid by lessees and purchasers respectively ; and
- v. the transfer, surrender, and forfeiture of leases and agreements, and the assignment, subletting, and mortgaging of leases and agreements ;

(b) The application of any of the provisions of the principal Act or of any other Act relating to Crown lands to lands set apart or allotted under this Act.

(2) The provisions of subsections (2), (3), and (4) of section 291 of the principal Act shall apply to any regulation made under this Act.

Annual report.

Ibid., s. 11.

17. (1) The Minister shall, as early as possible 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 discharged soldiers under this Act ; and
- (d) such other particulars as are prescribed.

(2) Every

Discharged Soldiers Settlement Act.—1917.

(2) Every such report shall be laid before Parliament within thirty days after the receipt thereof by the Minister if Parliament is then in Session, and if not, then within thirty days after the commencement of the next ensuing Session.

18. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes. **Financial provision.**
Ibid., s. 12.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.