



ANNO DECIMO SEXTO

GEORGII V REGIS.

A.D. 1925.

No. 1721.

An Act to make provision for the Relief of Discharged Soldier Settlers in certain cases, to amend the Discharged Soldiers Settlement Acts, 1917 to 1923, and for other purposes.

[Assented to, January 6th, 1926.]

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

1. (1) This Act may be cited as the "Discharged Soldiers Settlement (Relief) Act, 1925." Short titles.

(2) The Discharged Soldiers Settlement Acts, 1917 to 1923, and this Act may be cited together as the "Discharged Soldiers Settlement Acts, 1917 to 1925."

(3) The Discharged Soldiers Settlement Act, 1917, is hereinafter referred to as "the principal Act."

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation.

3. Section 12 of the principal Act (which section was amended by section 6 of the Discharged Soldiers Settlement Act Amendment Act, 1918) is further amended— Amendment of 1313, 1917, s. 12—
Remission of interest.

(a) by inserting in the third line thereof after the word "purchase-money" the words "or interest"; and

(b) by inserting in the last line thereof after the word "purchase-money" the words "or interest".

Discharged Soldiers Settlement (Relief) Act.—1925.

Amendment of 1346,
1918, s. 18—

Permits.

4. Section 18 of the Discharged Soldiers Settlement Act Amendment Act, 1918, is amended by adding at the end of subsection (1) thereof the following proviso :—

Provided that this section shall not apply where the discharged soldier applying for the allotment of a block is already the holder of a block allotted or transferred to him on lease or agreement under the principal Act or the Acts incorporated therewith.

Surrender of fee
simple of land in
exchange for
agreement.

5. (1) Where any land purchased under section 15 of the Discharged Soldiers Settlement Act Amendment Act, 1918 (as re-enacted by section 26 of the Discharged Soldiers Settlement Act Further Amendment Act, 1919), is vested in fee simple in a discharged soldier and a mortgage of the land has been given to the Minister to secure payment to him of any money paid by him for the purchase of the land or of any money advanced by him to the discharged soldier pursuant to the principal Act and any Acts incorporated therewith, and

(a) the discharged soldier is unable to meet any payment of money becoming due under the mortgage, and

(b) the Minister is of opinion that the discharged soldier has worked and maintained his land in a satisfactory and proper manner,

the Minister may permit the discharged soldier to surrender and transfer his land to His Majesty under the provisions of this section.

(2) Where any land is surrendered and transferred to His Majesty under this section the Minister may grant to the discharged soldier surrendering the land an agreement over such land.

(3) The agreement shall contain the same covenants and conditions as other agreements granted under section 15 of the Discharged Soldiers Settlement Act Amendment Act, 1918 (as re-enacted by section 26 of the Discharged Soldiers Settlement Act Further Amendment Act, 1919): Provided that the term of the agreement shall be calculated from the date when the land was originally purchased by the Minister for the settlement thereon of a particular discharged soldier: Provided also that the amount of purchase-money specified in the agreement shall include the amount of principal owing by the discharged soldier under his mortgage in respect of moneys paid by the Minister for the purchase price of the land, and may also include at the discretion of the Minister all or any of the following amounts, namely :—

(a) the whole or any portion of the principal owing by the discharged soldier to the Minister in respect of any advance other than the moneys paid by the Minister for the purchase price of the land :

(b) any arrears of interest due to the Minister under the mortgage or on account of any other advance made to the discharged soldier.

(4) Section

Discharged Soldiers Settlement (Relief) Act.—1925.

(4) Section 18 of the Discharged Soldiers Settlement Act Amendment Act, 1918, shall not apply when any land is granted on agreement under this section.

6. If any land transferred to His Majesty pursuant to the next preceding section of this Act is under the provisions of the Real Property Act, 1886, the Registrar-General shall upon the lodging with him of the transfer of the land make an entry on the folium in the Register Book relating to the land as follows:—"Cancelled, the within land having become vested in the Crown," and shall cancel any certificate of title to the land lodged with any such transfer as aforesaid by indorsing the entry aforesaid thereon and shall sign such entry and endorsement.

Cancellation of title
to surrendered land

7. (1) The Minister of Irrigation may, with respect to any discharged soldier who holds, whether on lease, or under an agreement, or in fee simple, any such land as is referred to in section 128 of the Irrigation Act, 1922, exercise all or any of the following powers namely:—

Provisions for relief
of settlers in
Irrigation Areas.

- (a) He may add any moneys advanced by him to a discharged soldier for any of the purposes mentioned in subparagraph (c) of subsection (1) of section 10 of the principal Act to the moneys secured by any mortgage given, or to be given, to the Minister by such discharged soldier, and in such case may discharge any bill of sale or other security given by any discharged soldier pursuant to subsection (3) of section 10 of the principal Act as security for any moneys advanced as aforesaid, or may retain such bill of sale as collateral security:
- (b) He may capitalise any arrears of interest due under any mortgage given by a discharged soldier pursuant to section 10 of the principal Act and add such interest to the principal moneys secured by such mortgage:
- (c) He may make an advance under the principal Act to any discharged soldier for the purpose of paying any arrears of irrigation rates due to the Irrigation Commission, or any arrears of rent due to any Minister of the Crown in respect of any land held by such discharged soldier:
- (d) He may take as security for any advance made to a discharged soldier under the principal Act and any moneys added thereto pursuant to this Act and any further advances made to such discharged soldier pursuant to this Act or the principal Act, a mortgage containing such terms, as on the recommendation of the Commission he approves, and may in such a case discharge any existing mortgage given by such discharged soldier as security for such first-mentioned advance:
- (e) He may remit wholly or in part any moneys due to him by any discharged soldier in respect of the principal of or the interest on any advance:

(f) He

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(f) He may reduce the rent payable by any discharged soldier for any land held by such discharged soldier on lease from the Crown or may remit any such rent :

(g) He may direct that the rent payable by any discharged soldier for any land held by such discharged soldier on lease from the Crown shall be payable quarterly in advance :

(h) He may direct that any irrigation rates due to the Irrigation Commission be remitted wholly or in part, and upon the giving of such direction such rates shall be remitted accordingly.

(2) The powers conferred on the Minister by subsection (1) of this section shall be exercised by the Minister on the recommendation of the Irrigation Commission.

(3) Where pursuant to this section any sum of money is added to the capital sum secured by an existing mortgage, such mortgage shall, unless and until a new mortgage is taken in lieu of such existing mortgage, be deemed to be a security for the sum so added, and to provide for the repayment thereof by instalments payable at the same time as the instalments of the original sum secured by the mortgage are payable, and of such number that the last of them would be payable at the time when the last instalment of the original advance would be payable.

Further report by
Commission.

8. (1) It shall be the duty of the Irrigation Commission, on or before the thirtieth day of June, nineteen hundred and twenty-seven, to inquire and report to the Minister what part (if any) of the liabilities to the Government of each lessee of an irrigation block it is necessary to remit in order to enable such lessee to continue working his block with a reasonable likelihood of success.

(2) Upon receipt of such report the Minister shall present such report to Parliament.

Registration of
alterations and
variations of leases
and mortgages.

9. Where any action taken by the Minister under section 7 alters the rent payable under a lease, or in any way varies the terms or conditions of a lease or mortgage, the provisions of Part XIII. of the Real Property Act, 1886, shall apply with respect to such alteration or variation.

Exemption of
certain documents
from registration
fees.

10. Notwithstanding anything contained in the Real Property Act, 1886 or any other Act, where for the purpose of giving effect to the provisions of section 7 it is necessary or expedient to register any instrument in the Lands Titles Office or the General Registry Office, or to make any entry in the Register Book, no fees shall be payable in connection with such registration or the making of such entry.

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

TOM BRIDGES, Governor.