



ANNO QUARTO

## GEORGII VI REGIS.

A.D. 1940.

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### No. 24 of 1940.

#### An Act to amend the Discharged Soldiers Settlement Act, 1934-1935.

[Assented to 7th November, 1940.]

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

Short titles.

1. (1) This Act may be cited as the " Discharged Soldiers Settlement Act Amendment Act, 1940 ".

(2) The Discharged Soldiers Settlement Act, 1934-1935, as amended by this Act, may be cited as the " Discharged Soldiers Settlement Act, 1934-1940 ".

(3) The Discharged Soldiers Settlement Act, 1934-1935, is hereinafter referred to as the " principal Act ".

Incorporation:

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 24 of principal Act—  
Surrender of agreement for lease.

3. (1) Subsection (9) of section 24 of the principal Act is amended by striking out the last sentence thereof and inserting in lieu thereof the following :—

In any such case there shall be inserted in the perpetual lease a provision giving the lessee a right to purchase the fee simple of the land comprised in the lease, at the price at which the lessee could have completed purchase at the time of the surrender, but so that such right of purchase may be exercised not earlier than six years after the surrendered agreement came into force, and not later than the time when the surrendered agreement would have expired in due course.

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(2) The following subsection is enacted and inserted at the end of section 24 of the principal Act :—

(10) Section 20 of this Act shall not apply in respect of the granting of any lease under this section.

4. The following sections are enacted and inserted in the principal Act after section 24 thereof :—

Enactment of  
s. 24a, s. 24b  
and 24c of  
principal  
Act—  
Surrender of  
lease for  
agreement.

24a. (1) Any person who is the holder of land on a lease of any kind granted under this Act or any Act repealed by this Act, may apply in writing to surrender his lease for an agreement under this Act.

(2) Upon such an application being made the board, subject to the approval of the Minister, shall fix the purchase-money at which the agreement may be obtained.

(3) An application under this section may be granted notwithstanding that any rent payable under the lease is in arrear. Where in any such case the application is granted—

(a) the full amount of the arrears of rent together with interest thereon at such rate not exceeding five pounds per centum per annum as is fixed by the board subject to the approval of the Minister, shall be paid in such instalments and at such times as are fixed by the board, subject to the approval of the Minister, when fixing the purchase-money, and shall be payable and recoverable in the same manner as the purchase-money ; and

(b) the agreement shall contain a covenant for payment of the said instalments of arrears of rent.

(4) Upon the purchase-money being so fixed, notice in writing of the amount thereof shall be given to the applicant, and the applicant, upon surrendering the lease, may, subject to the approval of the Minister and subject to subsection (5) of this section obtain an agreement entitling him to purchase the land for the said purchase-money.

(5) The applicant shall within three months after the giving of notice under subsection (4) of this section, notify the Minister whether he accepts or refuses the terms offered ; and if he accepts them he shall forward with the notification of his acceptance an amount equal to the first half-yearly instalment payable under the agreement, and all proper fees together with a form of surrender of his lease, duly executed, and his copy of the surrendered lease.

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(6) The Minister shall forthwith cancel the lease surrendered by the applicant and the applicant shall execute the agreement issued in lieu thereof.

Surrender of  
lease for land  
grant.

24b. (1) Any person who is the holder of land on a lease of any kind granted under this Act or any Act repealed by this Act, may apply in writing to surrender his lease and purchase the fee simple of the land comprised therein.

(2) Upon an application being made under this section the board shall, subject to the approval of the Minister, fix the sum at which the fee simple of the land may be purchased and shall give notice in writing thereof to the applicant.

(3) The applicant shall within three months after the giving of the notice under subsection (2) of this section, notify the Minister whether he accepts or refuses the terms offered. If he accepts them and within one month after the Minister receives notice of his acceptance he forwards to the Minister a form of surrender of his lease duly executed, and his copy of the surrendered lease and pays the purchase money and all proper fees he shall be entitled to receive a land grant for the land: Provided that the Minister may extend the time for surrender and payment.

(4) No lessee shall be entitled to purchase land under this section until after the expiration of six years from the time when the land was originally leased to him or his predecessor in title, nor unless the Minister is satisfied either that all the conditions of the lease have been fulfilled, or that the lessee has made such permanent improvements on the land that strict compliance with the conditions of the lease should be dispensed with.

Payment of  
mortgage  
money when  
land  
surrendered.

24c. (1) When a person applies to surrender to the Crown the fee simple of any land, or any lease, or agreement, and such land lease or agreement is mortgaged to the Minister to secure the repayment of any money the Minister may refuse to permit the surrender unless arrangements satisfactory to the Minister have been made for payment of such money, or such part thereof, if any, as the Minister on the recommendation of the Board requires such person to pay.

(2) Such arrangements may provide for all or any of the following things:—

(a) for payment of the money in a lump sum or in instalments:

- (b) for including in any lease or agreement to be issued in lieu of the surrendered estate in fee simple, or lease or agreement, provisions for payment of the money in the same manner as rent or instalments under the lease or agreement so issued:
- (c) for giving the Minister security for payment of the money by means of a mortgage over the lease or agreement so issued or over any other property.

5. The following sections are enacted and inserted in the principal Act after section 29 thereof:—

Enactment of  
ss. 29a, 29b  
of principal  
Act—

29a. (1) Where—

Advances to  
soldiers who  
have lost  
their holdings.

- (a) a discharged soldier who has held land in fee simple, or on lease or agreement under this Act, or any Act repealed by this Act, has by reason of any proceedings under the law relating to bankruptcy, or any action taken by a mortgagee of his land, or cancellation of the lease or agreement or other cause, been deprived of the fee simple of the land, or as the case may be, his interest in the land under the lease or agreement; and
- (b) the discharged soldier has made arrangements for working any land as tenant, sharefarmer, or otherwise; and
- (c) the Minister is satisfied that the discharged soldier is worthy of further help,

the Minister on the recommendation of the Board may make a loan to the discharged soldier for the purpose of enabling him to purchase livestock, plant, seed, fodder, equipment or other goods required for working the land and maintaining himself and his family.

(2) Every such loan shall be made upon such security and such terms and conditions as the Minister thinks proper.

(3) Section 28 of this Act shall apply in relation to any goods and chattels purchased out of money lent under this section.

29b. Where any land which has been held in fee simple or on lease or agreement under this Act or any Act repealed by this Act, has reverted to the Crown, whether

Powers of  
minister as to  
reverted  
lands.

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on a surrender, cancellation, or other termination of the estate in fee simple or the lease, or agreement, and whether before or after the passing of the Discharged Soldiers Settlement Act Amendment Act, 1940, the Minister may, at his discretion do all or any of the following things:—

- (a) enter into an agreement with any person for the working of the land or any part thereof on shares ;
- (b) purchase any stock, plant, or materials or make any other payment required in connection with the carrying out of any such agreement :
- (c) maintain and keep in repair any improvements on the land ;
- (d) erect, construct or carry out on the land any further improvements which in the Minister's opinion are necessary or desirable.

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

C. M. BARCLAY-HARVEY, Governor.