

## No. 2916.

An Act to make provision for the Settlement of Discharged Soldiers on the Land and for other purposes.

[22nd October, 1917.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

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

2. In this Act unless inconsistent with the context or subject-matter— Interpretation.

(1) "Board" means the Lands Purchase and Management Board under the *Closer Settlement Act 1915* and where necessary owing to the operation of section ten of the said Act means the State Rivers and Water Supply Commission: "Board."  
No. 2629.  
Ib. s. 10.

"Crown land" includes land acquired or to be acquired for the Crown under the *Closer Settlement Act 1915* or any corresponding previous enactment or under and by virtue of the authority conferred by this Act: "Crown land."  
No. 2629.

"Dependant" means the widow or the mother or a child or an ex-nuptial child or an orphan brother or an orphan sister of a deceased person who— "Dependant."

(a) was a resident in the Commonwealth;

(b) was appointed as an officer or enlisted as a member of His Majesty's naval or military forces or of the naval or military forces of the Commonwealth for service outside the Commonwealth; and

(c) served

- (c) served outside the Commonwealth with any of such forces unless in the opinion of the qualification committee hereinafter provided for he was unable through circumstances not within his own control to serve as aforesaid outside the Commonwealth—

if such dependant was wholly or in part dependent upon the earnings of such deceased person at any time during the period beginning twelve months before his appointment or enlistment and ending with —

- (i) the termination of his appointment, or his discharge; or
- (ii) his death, in any case where (whether before or after the termination of his appointment or his discharge) he has lost his life directly or indirectly in or in connexion with the present war :

“Discharged  
soldier.”

“Discharged soldier” means—

- (a) any person being or having been a resident in the Commonwealth of Australia who was appointed as an officer or enlisted as a member of His Majesty's naval or military forces or of the naval or military forces of the Commonwealth for service outside the Commonwealth in the present war and served outside the Commonwealth with any of such forces, and has returned to or resides in Victoria and whose appointment has been terminated or who has received his discharge; and any such person who was so appointed or enlisted for service as aforesaid but who in the opinion of the qualification committee hereinafter provided for was unable through circumstances not within his own control to serve as aforesaid; or
- (b) any person (not having been a resident in the Commonwealth) who served in the said war as an officer or member of His Majesty's naval or military forces (other than any naval or military force raised in the Commonwealth)

Commonwealth) and has come to Victoria and whose appointment has been terminated or who has received his discharge :

“Prescribed” means prescribed by this Act or the regulations : “Prescribed.”

“Regulations” means regulations under this Act. “Regulations.”

(2) Expressions defined in the *Closer Settlement Act* 1915 or the Land Acts shall (as the case requires) bear the same meaning in this Act. Interpretation of expressions in Land Acts and No. 2629 incorporated.

(3) Save as otherwise provided by this Act the provisions of the *Closer Settlement Act* 1915 or of the Land Acts or of any other Act relating to Crown land shall (as the case requires) apply to land disposed of under this Act. No. 2629.  
Nos. 2676, 2770.  
Application of Land Acts and *Closer Settlement Act* 1915.

(4) Any reference to discharged soldiers shall be deemed and taken to include a reference to those dependants to whom this Act applies.

### 3. This Act—

Persons to whom this Act applies.

(a) shall apply to—

(i) discharged soldiers whose appointments have been terminated or who have received their discharges whether before or after the commencement of this Act ;

(ii) discharged soldiers who have been permitted to occupy any Crown land in anticipation of the passing of this Act ; or

(iii) dependants who are otherwise eligible and make application for land under this Act during the present war or within two years after the termination thereof : Provided that the privileges conferred on dependants by this Act shall not extend to more than one dependant of any deceased person aforesaid ; but

(b) shall not apply to—

(i) any discharged soldier if the termination of his appointment or his discharge from service was due to misconduct or incapacity resulting from his own default ; or

(ii) the

- (ii) the dependants of any such deceased person as aforesaid if before his death his appointment was terminated or he was discharged from service owing to misconduct or incapacity resulting from his own default.

*Lands under the Land Acts or the "Closer Settlement Act 1915."*

4. Notwithstanding anything in any Act—

- (a) the Governor in Council on the recommendation of the Board of Land and Works made after due inquiry may set apart allotments (being Crown lands and including auriferous lands) within townships or of not more than ten acres outside townships for the purpose of the erection thereon by means of voluntary efforts and labour or public or private subscriptions of buildings for discharged soldiers and the Minister may permit or cause buildings to be erected thereon; and
- (b) after the erection of any such building the Minister may permit any person or body of persons corporate or unincorporate approved by the Minister to allow any discharged soldier to occupy such allotment and the buildings thereon and at any time upon the recommendation of the said person or body of persons to the Minister the Governor in Council may grant to such discharged soldier the allotment and any buildings erected thereon for such price (if any) and subject to such covenants conditions exceptions and reservations as the Governor in Council thinks fit.

Power to reserve sites for building dwellings for discharged soldiers by voluntary effort &c.

5. (1) The Governor in Council may by Order published in the *Government Gazette* set apart any area of Crown land for the purpose of being disposed of under the Land Acts or the *Closer Settlement Act 1915* to discharged soldiers exclusively.

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

(3) Save

(3) Save as otherwise expressly provided the provisions hereinafter contained in this Act shall not apply to land under this section.

*Special Provisions as to Discharged Soldiers.*

6. (1) In addition to the powers hereinbefore conferred the Governor in Council may by Order published in the *Government Gazette* set apart any area of Crown land for the purpose of being disposed of under this Act to discharged soldiers in the manner hereinafter provided.

Special provision for settlement of discharged soldiers on the land.

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

(3) The land so set apart shall be subdivided into such blocks as the Minister or the Board (as the case may be) determines and such blocks may be disposed of in the manner prescribed and upon such terms and subject to such covenants conditions exceptions and reservations as the Governor in Council thinks fit.

(4) On and after the date notified by the Minister for the purpose in the *Government Gazette* any discharged soldier may apply in the prescribed form and manner for any block notified in the *Government Gazette* as available for the purposes of this section.

7. Notwithstanding anything in the Land Acts where any Crown land has under the *Land Act* 1915 or any corresponding previous enactment been proclaimed as a township the Governor in Council may grant on such terms and subject to such covenants conditions exceptions and reservations as the Governor in Council thinks fit any portion of such land to any discharged soldier who applies for the same in the prescribed form and manner.

Power to grant to discharged soldiers portion of land proclaimed as a township.  
No. 2676.

8. (1) Any discharged soldier desiring to apply for land under this Act shall in the first instance apply to a committee one of whom at least shall be a discharged soldier (to be called a qualification committee) appointed by the Minister for a certificate (called in this Act a qualification certificate) as to whether such discharged soldier is suitable as a settler or may prove after training to be suitable; and the committee shall consider the application and may grant or refuse a certificate or adjourn the application for future consideration.

Preliminary application to qualification committee.

(2) Every

Application  
for land to  
be accompanied  
by qualification  
certificate.

(2) Every application by a discharged soldier for land under this Act shall be accompanied by a qualification certificate.

Power to assist  
settlers with  
respect to  
erection of  
buildings  
purchase of  
stock &c.

9. (1) In considering applications by discharged soldiers for land under this Act the Board shall take into consideration the advisability of assisting applicants with respect to any of the following matters (whether such assistance has been requested or not) :—

- (a) The clearing fencing supplying with water draining grading preparing for irrigation and general improvement of the land in respect of which the application is made ;
- (b) The erection of buildings on any such land ; and
- (c) The purchase of implements live stock (including pigs and poultry) seeds plants trees and such other things as are deemed necessary for the successful occupation and cultivation of the land.

(2) If in the opinion of the Board it is advisable that any such assistance should be given to any applicant the Board may take such action thereon as it thinks fit in accordance with this Act and the regulations.

Power to make  
advances to  
discharged  
soldiers for  
making  
improvements  
&c.

10. (1) In aid of the cost of making any of the improvements aforesaid the Board with the approval of the Minister may in the prescribed manner make advances to a discharged soldier to whom land has been disposed of under this Act or to a discharged soldier who has been permitted to occupy any Crown land in anticipation of the passing of this Act.

(2) All moneys advanced by the Board under this or the next preceding section shall subject to this Act bear interest at such rate as the Minister determines.

Total amount  
of advances.

11. (1) The total amount which may be advanced by the Board for all purposes to a discharged soldier shall not in any case exceed Five hundred pounds (including any advance whether under this Act or under the authority of the *Closer Settlement Act 1915* or any arrears of rent or of instalments of purchase money on land) ; but where the whole or part of an advance is repaid the Board may make a further advance up to a total of Five hundred pounds.

(2) An

(2) An advance may on the certificate of a bailiff of Crown lands or any officer thereto authorized by the Board be made by progress payments as the work for which the advance is intended progresses.

Progress payments.

(3) Moneys advanced under this Act with interest thereon (if any) at the prescribed rate—

(a) shall be repaid at the prescribed times and in the prescribed manner ;

(b) shall until repaid be and remain a charge on the land ; and

Advance to be a charge on land.

(c) may as the case requires and if the Board thinks fit be further secured by—

Further securities.

(i) a lien under the Land Acts on improvements to an amount not exceeding one hundred per centum of the unencumbered value of the improvements after providing for reasonable depreciation ;

See No. 2676 ss. 62-69.

(ii) a stock mortgage under the Instruments Acts ;

(iii) a hire purchase agreement under which any materials implements or live stock (including pigs and poultry) the subject thereof remain the property of the Board until the said moneys together with interest thereon as aforesaid are repaid ;

(iv) any security provided for in the *Closer Settlement Act* 1915 with respect to advances or over-due instalments ; or

(v) all or some of them.

(4) Any such lien stock mortgage hire purchase agreement or other security may be taken or entered into by the Board as if it were a private person.

(5) For the purpose of determining the amount of any advance the value of the improvements effected on the land shall be reduced by the amount (if any) owing—

Valuing improvements for purposes of advance.

(a) for advances made ; and

(b) for rent or instalments of purchase money due on the land.

(6) No fee or charge shall be demanded by or paid to the registrar-general or registrar of titles for the registration

No fees to be charged.  
See No. 2568 s. 8.

registration of any security given under this Act or any affidavit sworn before either of them or made in verification thereof.

Property in materials implements &c. advanced to remain in Board till paid for.  
Comp. No. 2053 s. 32.

12. (1) Any materials implements or live stock (including pigs or poultry) which are supplied to a discharged soldier by the Board under this Act or are the subject of a stock mortgage or hire purchase agreement under this Act shall unless the Board consents in writing to discharge or release its claim thereon or thereto be and remain and the produce of such live stock (if any) shall become the property of the Board until—

(a) the sum represented by the value of all materials implements or live stock so supplied ; or

(b) (as the case may be) any advances secured by such stock mortgage or hire purchase agreement—

together with interest has been repaid.

(2) Until such repayment no materials implements or live stock aforesaid and no produce of any such live stock shall be subject to be attached levied or distrained upon or taken in execution or the right to the possession thereof diverted or changed whether by operation of law or by act of parties or otherwise howsoever except with the written consent of the Board.

Improvements in case of land acquired under No. 2029 s. 20.

13. The improvements or any part thereof on land acquired under section twenty of the *Closer Settlement Act* 1915 may be valued separately and at the discretion of the Board such value may be treated as an advance on improvements under this Act and such improvements may be treated as having been effected by the lessee.

Limitation on rates of interest chargeable for advances.

14. Notwithstanding anything in this or any other Act—

(a) the rate of interest for advances under this Act shall not exceed Three pounds and ten shillings per centum per annum for the first year Four pounds per centum per annum for the second year and so on, the rate of interest increasing by not more than Ten shillings per centum for each subsequent year until the rate of interest reaches the maximum which but for this section would have been chargeable ;

(b) the Minister in respect of any land disposed of under this Act to a discharged soldier may direct that no instalment of purchase money  
and



and interest or rent shall be payable for the first three years or (in the case of land acquired and taken for the Crown after the commencement of this Act under section twenty of the *Closer Settlement Act 1915*) for the first year of his occupation of such land, and may extend the term of the lease accordingly or where a lease has not issued may issue a lease for the extended term: Provided that in the case of land acquired and taken as aforesaid under the said section twenty the Minister may, where such land at the date of the acquisition and taking thereof is not being used for cultivation purposes or has not thereon a dwelling-house or other improvements (including boundary fences) which in the opinion of the Board is or are substantial and permanent, direct that no instalment of purchase money and interest or rent shall be payable by the discharged soldier for the first three years of his occupation thereof and may extend the term of the lease accordingly or where a lease has not issued issue a lease for the extended term.

**15.** (1) The Board with the approval of the Minister may clear drain grade sow plant or fence or erect buildings on or otherwise improve any land disposed of to a discharged soldier or acquired for or set apart for the settlement of discharged soldiers—

Preparing  
blocks for  
settlement &c.  
Comp. No. 2629  
s. 78.

- (a) prior to disposing of it in allotments ; or
- (b) at any time after the land has been disposed of under conditional purchase lease, but not after the end of the third year from the commencement of the term of the conditional purchase lease thereof ; or
- (c) at any time prior to the land being re-sold after forfeiture to the Crown.

(2) The amount of the cost incurred by the Board under paragraph (b) of sub-section (1) of this section shall be charged to the lessee and shall in the discretion of the Board be repaid by the lessee in one sum or in not more than forty equal half-yearly instalments with interest thereon at the rates prescribed and until paid such instalments together with interest shall be a charge on the land and the lessee's interest therein.

(3) The

(3) The amount of the cost incurred by the Board under paragraphs (a) and (c) of sub-section (1) of this section may be at the discretion of the Board added to the value of the allotment or treated as an advance.

Restriction on  
right of  
transfer.

No. 2629.

Nos. 2676, 2770.

16. Save as otherwise provided by this Act and save where the Governor in Council is satisfied that a discharged soldier who has obtained land pursuant to this Act is compelled by sickness of himself or his family or other adverse circumstances to leave his holding it shall be transferable only in accordance with the *Closer Settlement Act* 1915 or the Land Acts (as the case may be).

Extension of  
provisions as  
to advances.

See No. 2629  
s. 101.

17. (1) The provisions of this Act relating to advances shall extend and apply so as to authorize advances to any discharged soldier who is a licensee or lessee of land under the Land Acts or a lessee of land under the *Closer Settlement Act* 1915 (as the case may be).

Amendment of  
No. 2629 s. 101.

Extension of  
power to make  
advances to  
discharged  
soldiers who are  
garden licensees  
under No. 2676  
s. 129 (1) (f).

(2) The provisions of paragraph (a) of section one hundred and one of the *Closer Settlement Act* 1915 shall extend and apply so as to authorize advances to any discharged soldier who is a licensee under paragraph (f) of sub-section (1) of section one hundred and twenty-nine of the *Land Act* 1915.

Extension of  
provisions to  
discharged  
soldiers being  
transferees or  
lessees under the  
Land Acts or  
the *Closer  
Settlement Act*  
1915.

18. (1) The privileges conferred by this Act on discharged soldiers shall also apply to any discharged soldier—

(a) to whom the interest in a conditional purchase lease under the Land Acts or the *Closer Settlement Act* 1915 has been duly transferred or assigned ; or

(b) who is a lessee under the Land Acts or the *Closer Settlement Act* 1915—

and who makes application to the Board for the purpose.

(2) In every such case the original lease shall be surrendered and a new lease may be issued, and may be ante-dated so as to cover the period of residence or occupation under the surrendered lease; and the lessee shall be entitled to have all substantial and permanent improvements valued by the Board and to be credited with the same as if made under and pursuant to the covenants and conditions of the new lease.

(3) The

(3) The Governor in Council may—

(a) credit the lessee in respect of the new lease with such portion as the Governor in Council thinks fit of the principal moneys or rent paid in respect of the land ; and

(b) make all necessary adjustments for the purposes of this section.

(4) After the surrender of any lease aforesaid under the *Closer Settlement Act 1915* the full liability of such discharged soldier to the Board in respect of the land and any advances thereon under this Act shall cease to be a charge upon The Closer Settlements Fund and shall be a charge upon the Discharged Soldiers Settlement Fund.

19. At any time upon the report of an inspector of the Board that any money advanced under this Act by the Board has not been applied to the purpose for which it was advanced or has been expended in a careless or extravagant manner, or that any live stock (including pigs and poultry) materials or implements supplied by the Board or the produce (if any) of such live stock are being neglected—

Power to withhold payments of advances &c. in cases of misapplication neglect &c.

Comp. (Q.) 1 Edw. VII. No. 213. 16.

(a) the Board may refuse to pay any further instalments of the advance or to make any further advances ;

(b) all amounts already advanced together with interest thereon shall become immediately due and payable; and

(c) the Board may forthwith recover the same in the like manner as any instalments due to the Board are recovered.

20. (1) Notwithstanding anything in any Act an applicant for land under this Act who is otherwise qualified to hold such land shall not be disqualified by reason only that he has at any time previously held any other land under the Land Acts or the *Closer Settlement Act 1915* or under any corresponding previous enactment if he no longer holds the same.

Previous holding of land not to disqualify in certain cases.

(2) The provisions of this section shall extend and apply to discharged soldiers who apply pursuant to the Land Acts or the *Closer Settlement Act 1915* for land under section five of this Act.

Application of  
No. 2629 and  
Land Acts.

Condition as to  
residence not to  
be inserted in  
Crown grant of  
land disposed of  
to discharged  
soldier.

21. (1) In the application of the *Closer Settlement Act* 1915 or the Land Acts to any land disposed of to a discharged soldier (including a discharged soldier who is a conditional purchase lessee under the *Closer Settlement Act* 1915 or who has been permitted to occupy any Crown land in anticipation of the passing of this Act)—

(a) the *Closer Settlement Act* 1915 shall be read and construed—

No. 2629 s. 125.

(i) as if section one hundred and twenty-five thereof were omitted;

Ib. s. 107 (1).

(ii) as if in sub-section (1) of section one hundred and seven thereof the words “grant or” and the words “or grant” were omitted; and

Ib. s. 117 (2).

(iii) as if in sub-section (2) of section one hundred and seventeen thereof the words “one hundred and twenty-five” were omitted; and

(b) the Land Acts shall be read and construed as if paragraph (a) of section two hundred and forty-nine of the *Land Act* 1915 were omitted.

No. 2676 s. 249  
a).

(2) The provisions of this section shall extend and apply to land under section five of this Act disposed of to a discharged soldier.

Power to  
appoint inquiry  
boards.

Ib. s. 25.

Comp. No. 2629  
s. 138.

22. For the purposes of this Act the Land Acts shall be read and construed as if for section twenty-five of the *Land Act* 1915 there were substituted the following section:—

“25. (1) For the purposes of the *Discharged Soldiers Settlement Act* 1917 the Governor in Council may at any time appoint generally or for any purpose or occasion any person or persons to be a Discharged Soldiers Settlement Inquiry Board which shall deal with and report upon such matters as are prescribed by regulations under the said Act or as are referred to it by the Minister.

Powers.  
Evidence.

(2) Every such Board shall have and may exercise such powers and duties as are prescribed as aforesaid and may hear receive and examine evidence and require persons giving evidence to be examined upon oath; and the chairman of such board may administer to any of such persons the necessary oath.

Penalties.

(3) Any person who at any such inquiry wilfully—

(a) makes a false statement;

(b) refuses

(b) refuses to answer any question lawfully put to him by the chairman; or  
(c) gives a false answer to any such question—  
shall be liable to a penalty of not less than Ten pounds and not more than Fifty pounds or to imprisonment for a term of not less than fourteen days and not more than six months."

*Acquisition of Land.*

23. (1) Subject to this Act—

- (a) the Board may for the purposes of this Act and as provided in this Act and in Part III. of the *Closer Settlement Act* 1915 so far as incorporated in this Act acquire and take for the Crown either by agreement or compulsorily blocks of private land in any part of Victoria but only to such an extent as is actually required for the purposes of this Act; and
- (b) all land so acquired and taken shall thereupon become Crown land as if the same had never at any time been alienated from the Crown, and may be disposed of under this Act but if any of such land is not required for the purposes of this Act it may be reserved sold or disposed of pursuant to the *Closer Settlement Act* 1915 as if it had been acquired and taken under and for the purposes of that Act.
- (2) (a) When in pursuance of this Act an offer to purchase any land for the Crown has been made to the owner thereof by the Board and has not been accepted by such owner within the time notified by the Board to such owner the Governor in Council may direct that the whole or any part of the land may be acquired compulsorily by the Board.
- (b) The Governor in Council may thereupon by notification published in the *Government Gazette* declare that the land has been acquired under this Act for the purposes thereof.
- (c) A copy of the notification shall be laid before both Houses of Parliament within fourteen days after the publication thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.
- (d) Nothing

Authority to  
Board to  
acquire land.  
No. 2629  
Part III.

Disposal of  
land acquired.

(d) Nothing in this Act shall be taken to authorize the compulsory acquisition or taking for the Crown of land of an owner while in the present war he is serving outside the Commonwealth with His Majesty's naval or military forces or with the naval or military forces of the Commonwealth.

Incorporation of certain provisions of Part III. of the *Closer Settlement Act* 1915.

(3) For the purposes of this section the provisions of Part III. of the *Closer Settlement Act* 1915 (except sections nineteen and thirty-five) shall so far as applicable and with such alterations modifications and substitutions as are necessary be deemed and taken to be incorporated with this Act :

Application of No. 2629 ss. 36 &c.

Provided that in the construction of Part III. of the *Closer Settlement Act* 1915 for the purposes of this section any reference in the said Part to the notification in the *Government Gazette* mentioned in section thirty-six of the said Act or to the publication thereof shall be read and construed as if it were a reference to the notification mentioned in sub-section (2) of this section or the publication thereof.

Application of No. 2629 s. 39.

Provided further that in the construction of the provisions of section thirty-nine of the *Closer Settlement Act* 1915 for the purposes of this section the said section thirty-nine shall be read and construed and given effect—

Limited to land on which there is a homestead.

(a) as if the said section thirty-nine applied only to land on which there is a homestead ;

Area and value thereof which may be retained.

(b) as if instead of the right therein mentioned to select and retain for the purposes of residence or business land of the unimproved value specified therein or determined as therein provided there were substituted the right to select and retain for those purposes land (comprising the homestead) the unimproved value of which does not exceed Six thousand pounds or (if so determined thereunder by the judge) exceeds Six thousand pounds but does not exceed Ten thousand pounds ;

Consequential alterations of No. 2629 s. 39.

(c) as if in sub-section (1) of the said section thirty-nine after the words "taken compulsorily" there were inserted the words "and on which there is a homestead" ; as if in the said sub-section (1) after the word "land" (where it occurs for the second time) there were inserted

inserted the words “(comprising the homestead)”; and as if in paragraph (b) of the said sub-section (1) the words “(if any)” were omitted.

24. For the purposes of this Act the owner of any block included in any agreement under section twenty of the *Closer Settlement Act* 1915 shall before the acquisition thereof by the Board supply to the Board a copy of any return furnished by him to the commissioner of taxes pursuant to the Land Tax Acts with respect to such block, and shall verify the same by statutory declaration.

Certain owners to supply land tax returns of value &c.

No. 2629 s. 20.

25. (1) Notwithstanding anything in this Act or the *Closer Settlement Act* 1915 before any private land is acquired or taken for the Crown (either by agreement or compulsorily) for the purposes of this Act the Minister on receiving the report of the Board under sub-section (3) of section twenty-six of the *Closer Settlement Act* 1915 shall (if the value of the estate as stated in such report exceeds Ten thousand pounds) forthwith appoint three competent persons having a knowledge of land values within the area in which the land is situated (hereinafter called the “referees”) not being members of the public service to report to him upon the suitability or otherwise of the land for the said purposes and as to whether in their opinion the value thereof fixed by the Board is or is not reasonable and what in their opinion is the value thereof.

Report by referees in certain cases before purchase of land for purposes of this Act.

Ib. s. 26.

(2) For the purposes of this section the referees or any of them may enter the land and remain thereon during daylight for such time as is necessary.

(3) The Minister shall take into consideration the report of the referees and decide whether or not it is advisable that the land shall be acquired or taken.

(4) If in any case the Minister decides that it is advisable that the land be acquired or taken but at a value less than that fixed by the Board the provisions of section twenty-seven of the *Closer Settlement Act* 1915 shall apply and be read and construed as if for any reference therein to the value fixed by the Board there were substituted a reference to the value decided upon by the Minister.

Ib. s. 27.

(5) If

(5) If in any case the Minister decides that it is advisable that any such land be acquired or taken—

- (a) where the referees have reported that the land is not suitable for the said purposes; or
- (b) at a value above that deemed reasonable by the referees; or
- (c) at a value greater than the capital value as shown in the valuation register under the Land Tax Acts—

the Minister shall cause a report of his decision to be presented to both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting but if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

### *Financial.*

Power to raise  
moneys for the  
purposes of this  
Act.

Comp. No. 2629  
s. 11.

No. 1468.

26. For the purposes of this Act the Governor in Council—

- (a) may from time to time during three years from the commencement of this Act increase the amount of stock known as the Victorian Government stock erected under the authority of the *Victorian Government Stock Act 1896* by an additional amount not exceeding in the whole the sum of Two million two hundred and fifty thousand pounds sterling; or
- (b) may issue debentures for the whole or any portion of such sum in lieu of increasing stock as aforesaid—

all of which stock and debentures and interest thereon respectively at such rate or rates as the Governor in Council may fix shall be chargeable upon the consolidated revenue.

Application of  
Victorian  
Government  
Stock Acts  
Nos. 1468, 2403.  
Comp. No. 2629  
s. 12.

27. All the provisions of the *Victorian Government Stock Act 1896* and the *Victorian Government Stock Act 1912* with regard to the inscription issue management redemption payment of interest on and transfer of stock issued under the authority of the first-mentioned Act, and generally with regard



regard to such stock, shall so far as the same are not inconsistent with this Act apply to the stock issued under the authority and for the purposes of this Act.

28. For the purposes of this Act the Governor in Council may at any time cause debentures to be made out by the Treasurer of Victoria in the manner and subject to the provisions specified and contained in the *Victorian Government Debentures Regulation Act 1912*.

Form of  
debentures.  
Comp. No. 2629  
s. 17.  
No. 2404.

29. (1) The proceeds of the sale of the said stock or of the said debentures shall be issued and applied only for and towards the following purposes, namely :—

Application of  
proceeds of  
loans.

(a) The payment of purchase money and compensation for private land acquired by the Board by virtue of the authority conferred by this Act or which has been acquired under the *Closer Settlement Act 1915* or any corresponding previous enactment and which Crown land has been disposed of pursuant to this Act and also all costs incidental to the acquiring and disposing of any such land ;

No. 2629.

(b) The survey subdivision clearing draining grading preparing for irrigation sowing planting fencing or improving of such land or the making or improving of roads or access thereto or the erection of dwelling-houses or outbuildings or the making of improvements thereon ; and

(c) Making advances to discharged soldiers under this Act.

(2) The amount authorized to be raised under this Act may be expended for the purposes aforesaid and the Treasurer of Victoria is hereby authorized to issue and apply the same accordingly.

Expenditure  
authorized.  
Issue and  
application of  
moneys  
borrowed.

30. (1) Save as otherwise expressly provided all moneys received by the Board under this Act (other than the proceeds of the sale of stock and debentures issued under the authority of this Act as aforesaid) shall be paid to the credit of an account to be kept in the Treasury to be called the "Discharged Soldiers Settlement Fund" (hereinafter called "the said fund.")

The Discharged  
Soldiers Settle-  
ment Fund.  
Comp. ib. s. 14

(2) The

Application of  
fund.

Comp. No. 2629  
s. 14.

(2) The said fund shall and may subject to this Act be applied to—

- (a) the payment of interest on stock and debentures issued under the authority of this Act and the redemption thereof ;
- (b) the payment of purchase money and compensation for private land acquired by the Board by virtue of the authority conferred by this Act or which has been acquired under the *Closer Settlement Act* 1915 or any corresponding previous enactment and which Crown land has been disposed of pursuant to this Act and also all costs incidental to the acquiring and disposing of any such land ;
- (c) the survey subdivision clearing draining grading preparing for irrigation sowing planting fencing or improving of such land or the making or improving of roads or access thereto or the erection of dwelling-houses or outbuildings or the making of improvements thereon ;
- (d) the costs and expenses of administering this Act including any losses (other than losses in respect of concessions under this Act) and working expenses ;
- (e) making advances to discharged soldiers under this Act ; and
- (f) making transfers from time to time on the certificate of the Board from the said fund —
  - (i) to the consolidated revenue of amounts equal to all payments of principal received for Crown land which has never been private land and which has been disposed of by the Board pursuant to this Act ; and
  - (ii) to The Closer Settlements Fund of amounts equal to all moneys expended (whether before or after the commencement of this Act) in connexion with the settlement of discharged soldiers on the land from the proceeds of loans under the *Closer Settlement Act* 1915 or from The Closer Settlements Fund.

(3) Whenever

(3) Whenever the amount standing to the credit of the Discharged Soldiers Settlement Fund is more than sufficient for the payment of the said interest the Treasurer may at the request of the Board cause any surplus to be applied towards the redemption of the loan.

Power to apply surplus in redemption of loan.

31. All moneys required to recoup the said fund any amounts due on account of concessions made by or under and by virtue of the authority conferred by this Act shall be paid out of moneys to be provided by Parliament for the purpose or provided by the Commonwealth for the purpose.

Moneys for recouping fund.

32. All moneys accruing from the disposal of land (other than land acquired or taken by virtue of the authority conferred by this Act) shall be dealt with as if they had accrued from the sale or leasing of Crown land under the *Closer Settlement Act* 1915 or the Land Acts (as the case requires).

Moneys accruing from disposal of lands other than lands acquired under this Act.

#### *General.*

33. The Governor in Council may—

Training farms for discharged soldiers.

(a) provide and maintain training farms to enable discharged soldiers to acquire the knowledge requisite for agricultural pastoral horticultural viticultural or dairying pursuits or pig raising or poultry farming and to test their aptitude therefor; and

(b) appoint the necessary officers and servants for the purpose, or may make such arrangements with the owners of farms for carrying out the purposes aforesaid as are expedient.

34. Where any person or body of persons corporate or unincorporate has settled or proposes to settle discharged soldiers on private land on terms and conditions approved by the Board all or any of the provisions of this Act shall if the Governor in Council on the recommendation of the Board (either generally or in any particular case) thinks fit extend and apply to such discharged soldiers.

Application of Act to discharged soldiers on certain private lands.

35. (1) The council of every municipality shall be and is hereby constituted within its municipal district and for the purposes of this Act an advisory committee to the Board

Advisory committees to Board constituted.

Powers and  
duties of such  
committees.

Board and shall have the following powers and duties, namely :—

- (a) To advise the Board generally on matters relating to the selection and purchase of land within the municipal district, and (having due regard to the special needs and merits of discharged soldiers concerned) in respect of specific cases referred to it by the Board ;
- (b) To advise and assist discharged soldiers settled on the land ; and where it thinks fit to make recommendations to the Board for advances to such settlers for materials implements or live stock ;
- (c) To organize and stimulate in the municipal district methods and schemes to assist and encourage discharged soldiers settled on the land in the working of their farms ; and
- (d) To report to the Board periodically and at intervals of not more than three months as to the condition of the settlement of discharged soldiers within the municipal district and as to the general requirements of such discharged soldiers.

Reports to  
Board.

Power to  
municipal  
council to  
delegate its  
powers  
hereunder.

(2) Any such council may appoint committees of not less than three members (whether councillors or not) and may delegate to any such committee all or any of the powers and duties of the council under this section (except the power of delegation) and may remove any member of any such committee and fill any vacancy in any committee however arising.

Expenses

(3) Any expenditure incurred by a council or committee under this section may be paid out of the municipal fund.

Power to make  
allowances to  
discharged  
soldiers  
share-farming  
on private lands.

36. (1) To encourage persons and bodies of persons corporate or unincorporate to assist discharged soldiers who are parties to share-farming agreements the Board may in any case, with the approval of the Governor in Council, and if the terms and conditions of the share-farming agreement are in the opinion of the Board equitable and advantageous to the discharged soldier, make advances (not exceeding in the whole the sum of Two hundred and fifty pounds) to such discharged soldier for the purchase of stock and implements and for such other purposes as the Board thinks fit to carry out the share-farming agreement.

(2) As

(2) As security for such advances the discharged soldier shall give the Board a preferable lien under the Instruments Acts with such modifications as are prescribed on his share of the crops in addition to any other security required.

37. For the purpose of assisting discharged soldiers to purchase or erect dwellings on any land held by them the amount of the advance which may be made pursuant to section ninety-two of the *State Savings Bank Act* 1915 to a resident of Victoria may in the case of any such person who is a discharged soldier notwithstanding anything in the said Act be such an amount as the Commissioners of the State Savings Bank of Victoria would be authorized to advance if in section ninety-three of the said Act for the words "two-thirds" (wherever occurring) there were substituted the words "three-fourths" and the State Savings Bank Acts shall be read and construed accordingly.

Advances by  
State Savings  
Bank for  
erecting homes  
&c.

No. 2729  
ss. 92, 92.

38. (1) The Minister shall as soon as practicable after the end of each financial year cause to be prepared a report showing for such year—

Annual report.

- (a) the amount of stock and debentures issued or money applied in payment for land acquired by virtue of the authority conferred by this Act and of the moneys (if any) which have been issued out of the consolidated revenue in respect of the principal or interest payable in respect of any stock or debentures issued pursuant to this Act ;
- (b) the aggregate areas of land set apart under this Act ;
- (c) the number of applications received for such land and the number of blocks and the aggregate area allotted ;
- (d) the amount expended in assisting discharged soldiers under this Act ; and
- (e) such other particulars as are prescribed.

(2) Every such report shall be laid before Parliament within fourteen days after the receipt thereof by the Minister if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

39. (1) The Governor in Council may make regulations prescribing—

Regulations.

- (a) the manner form and conditions in and under which applications under this Act may be made ;
- (b) any

- (b) any matters or things necessary or convenient to be prescribed in connexion with the disposal of land under this Act;
- (c) any matters or things necessary or convenient to be prescribed in connexion with allotments set apart for erecting buildings for discharged soldiers or the occupancy of such allotments ;
- (d) any matters or things necessary or convenient to be prescribed in connexion with training farms for discharged soldiers or for the training of discharged soldiers in agricultural pastoral horticultural viticultural or dairying pursuits or pig raising or poultry farming;
- (e) any forms to be used under this Act ; and
- (f) generally, any matters which are required or permitted to be or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.