

302

No. , 1918.

A BILL

To make further provision with regard to the settlement of returned soldiers on Crown lands, or lands acquired under the Closer Settlement Acts; to waive certain payments due to the Crown; to dispense with the payment of certain fees; to amend the Returned Soldiers Settlement Act, 1916, the Returned Soldiers Settlement (Amendment) Act, 1917, the Crown Lands Acts, the Closer Settlement Acts, the Irrigation Act, 1912, and certain other Acts; and for purposes consequential thereon or incidental thereto.

[MR. ASHFORD;— *November, 1918.*]

BE 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:—

5

Short title.

1. This Act may be cited as the "Returned Soldiers Settlement (Amendment) Act, 1918."

In this Act, the Returned Soldiers Settlement Act, 1916, as amended by the Returned Soldiers Settlement (Amendment) Act, 1917, is referred to as the Principal Act.

10

Amendment of Principal Act.

Sec. 2.

2. The Principal Act is amended as follows:—

(i) Section two, subsection one:—

Paragraphs (a) and (b): Before the word "enlisted" each time it occurs insert the words "was appointed as an officer or"

Paragraph (c): Before the words "has received his discharge" insert the words "has had his appointment terminated or"

After the words "and is resident in the Commonwealth" where secondly occurring insert "or any person who, having been resident in the Commonwealth, was, while so resident, called up for active service by His Majesty or His Majesty's allies in the present war, and has served in the naval or military forces of such allies outside the Commonwealth, and has had his appointment terminated or received his discharge and is resident in the Commonwealth. The Minister may also extend the above definition to any person wounded or otherwise incapacitated during active service abroad who has returned to the Commonwealth and has not had his appointment terminated or received his discharge.

35

In the proviso after the word "service" insert "or termination of appointment."

Extension of definition of discharged soldier.

Sec. 3A.

(ii) Section 3A. After the words "any specified tenure" insert "other than a holding within an irrigation area."

40

Section

(iii) Section four, subsection five : After the words " necessary qualifications " insert " and is likely to satisfactorily occupy and work the land."

Sec. 4.

5

Subsections seven and eight are repealed and the following new subsections are inserted in lieu thereof :—

Subsec. 7 and 8. Repeal.

10

(7) All applications for land set apart under sections three and four of this Act shall, subject to any regulations which may be made hereunder, be dealt with by a classification committee in the same manner as applications under the Crown Lands Consolidation Act, 1913, are dealt with by local land boards: Provided that in the case of a holding within an irrigation area such application shall be entirely at the discretion of the Water Conservation and Irrigation Commission.

Applications for land to be dealt with by classification committee.

15

20

(8) The Minister may refer for determination or report any question arising out of a dispute between discharged soldier settlers or between a discharged soldier settler and the Crown, or any matter arising out of the administration of this Act to a classification committee or to a member of such committee. Such committee or member shall hold any necessary inquiry and report the result thereof to the Minister, and, if so directed, determine any such question or matter, or make such recommendation as such committee or member may think proper: Provided that in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission may refer any such question or matter to the special land board.

Reference of certain matters to classification committees.

25

30

35

(8A) A classification committee and a member of such committee whilst acting alone, shall respectively have the powers of a local land board and of a chairman of such board in dealing

Powers and procedure of classification committees.

dealing with all matters within its or his jurisdiction, and the procedure shall be the same as that of a local land board, or of a chairman acting on behalf of a local land board.

5

Sec. 4B. (iv) Section 4B, subsection one: Before the word "soldiers" insert the word "discharged."

Sec. 4D. (v) Section 4D: Omit the word "abroad" each time it occurs.

Omit the words "the local land board" and 10 insert the words "a classification committee."

After the word "confirm" insert the words "or grant."

In paragraphs four and five, after "Minister," wherever occurring, insert "or in the 15 case of a holding within an irrigation area, the Water Conservation and Irrigation Commission."

At the end of the section insert the following words:—"The Minister may extend the 20 provisions of this section to any soldier or sailor on active service who, having been a resident of the Commonwealth, was, while so resident, called up for active service by His Majesty or by any of His Majesty's allies in the present 25 war."

Sec. 4E. (vi) Section 4E: After "Minister" insert "or within an irrigation area the Water Conservation and Irrigation Commission."

Sec. 4F. (vii) Section 4F: Omit the word "abroad" each 30 time it occurs.

Sec. 5. (viii) Section five: After the words "the local land 35 Appeal. board" each time they occur, insert the words "or a classification committee or member of a classification committee."

Omit "or the Water Conservation and Irrigation Commission" where secondly occurring.

(ix)

(ix) Section six, subsection one :— Sec. 6,
subsec. (1).

Paragraph (a) : After the words " may be made" insert " and dealt with."

5 Paragraph (e) : After the words " Irrigation Act, 1912," insert " any Act amending the same."

(x) Section seven, subsection one : Sec. 7,
subsec. (1).

Paragraph (a) : After the words " water supply" insert " grading."

10 Subsection (2A) : After " Minister," where first occurring, insert " or, in the case of lands within an irrigation area defined in any Act, the Water Conservation and Irrigation Commission."

15 Paragraph (a) : After the words " water supply" insert " grading."

After subsection (2A) insert the following new subsection :—

20 (2B) The Minister, or the Water Conservation and Irrigation Commission, may purchase and dispose of stock, implements, and such other things as he or it may deem necessary.

25 Subsection three : Omit the first paragraph, and insert the following new paragraph in lieu thereof :— Subsec. (3).

30 (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 such Commission.

Such moneys shall be secured by one or more of the undermentioned securities—

35 (a) a first mortgage over the said land and any improvements thereon, or over the interest of the settler in the said land and improvements ;

(b) a stock mortgage ;

40 (c) a hire purchase agreement ;

(d)

- (d) such other security or securities as the Minister or the Water Conservation and Irrigation Commission shall deem sufficient.

All such moneys with interest thereon shall be a debt due by the person to whom the advance was made and shall be recoverable by the Minister or the Water Conservation and Irrigation Commission in any court of competent jurisdiction.

No fee or charge shall be demanded or paid for the registration of any security or the release or discharge of any such security given under this Act or for any affidavit sworn in verification thereof.

Subsec. 4.

Subsection four: After "Minister" insert "or in the case of lands within an irrigation area by the Water Conservation and Irrigation Commission."

Sec. 7A.

- (xi) Section 7A: After "Minister" insert "or in the case of lands within an irrigation area, the Water Conservation and Irrigation Commission."

After the word "he" each time it occurs insert "or it."

Sec. 10.

- (xii) Section ten: After the words "other than by way of mortgage" insert "or release of mortgage."

After the words "who is not a discharged soldier" insert "or engaged on military or naval service with His Majesty's forces, or the forces of His Majesty's allies, or the widow of a soldier or sailor who died on active service."

After the words "except by way of mortgage" each time they occur, insert "or release of mortgage."

3. At the end of section 4F of the same Act add the following new paragraph:—

Condition of residence.

"On the death of a soldier or sailor while engaged on active service any condition of residence attaching to any holding (other than a holding within an irrigation

irrigation area) held by him at the time of his death shall be deemed to have been completed. In the case of a holding within an irrigation area any condition of residence shall be waived for a period of twelve months or for such further period as the Water Conservation and Irrigation Commission may allow."

4. The following new section is inserted after section 7A of the same Act :—

7B. If satisfied that any condition attaching to any holding under this Act has not been or is not being duly complied with, or that reasonably full use of the holding for the purposes for which it is best suited is not being made, or upon default being made in the payment of any instalment of purchase money or rent or charges for water, for six months after the due date for payment thereof, the Minister, or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission, may forfeit such holding and all improvements thereon as well as all moneys paid in respect thereof, by notification published in the Gazette :

Provided that the Minister, or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission, may waive any forfeiture so incurred if he or it considers the circumstances warrant it, and may attach conditions to such waiver which shall thereupon be deemed to be conditions attaching to the holding. Upon such forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply.

5. The following new sections and short headings are inserted after section twelve of the same Act :—

Withdrawal of applications before or after confirmation or allowance.

13. Where an application is made, before or after the commencement of the Returned Soldiers Settlement (Amendment) Act, 1918, by a discharged soldier for any holding under the Crown Lands Acts,

Acts, the Closer Settlement Acts, or this Act, the Minister, if satisfied that the circumstances warrant, may permit withdrawal of the application before or after the confirmation or allowance thereof, and may grant a refund of the whole or part of the moneys paid by such discharged soldier in connection with such holding: 5

Provided that withdrawal shall not be permitted unless applied for before the expiration of twelve months after the confirmation or allowance of the application. 10

Waiver of rent and interest due by Crown settlers on active service.

Waiver of
rent and
interest.

14. The Minister may, upon being satisfied that any purchase, lease, or license under the Crown Lands Acts, or any settlement purchase under the Closer Settlement Acts, has not by reason of the absence of the holder thereof on active service been utilised, or if utilised has not been profitable to such holder, waive the payment of— 20

- (a) the whole or part of the interest due on the balance of purchase money on any purchase or settlement purchase as aforesaid for the period of such service and for six months thereafter; 25
- (b) the whole or part of the rent due in respect of any lease or license for the aforesaid periods.