

New South Wales.



ANNO DECIMO

GEORGI V REGIS.

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Act No. 51, 1919.

An Act to make further provision with regard to the settlement of returned or discharged soldiers or sailors; to dispense with the payment of certain fees; to waive certain payments to the Crown; to extend the time for appraisement of capital value and rent, and for effecting improvements in lieu of paying rent in certain cases; to provide for the revaluation of lands held by returned or discharged soldiers or sailors; 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. [Assented to, 23rd December, 1919.]

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*Returned Soldiers Settlement (Amendment).*

**B**E 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:—

Short title.

**1.** This Act may be cited as the "Returned Soldiers Settlement (Amendment) Act, 1919."

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.

Amendment  
of Principal  
Act.

Sec. 2 (1).

**2.** The Principal Act is amended as follows:—

(i) Section two, subsection one:—

Before "enlisted" each time it occurs insert "was appointed as an officer or"

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

After "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 served in the naval or military forces of such allies outside the Commonwealth, and 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, and to any person who has been engaged as a munition worker or who has served abroad in the present war as a nurse or as a war worker."

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

Extension of  
definition of  
discharged  
soldier.

Sec. 3.

(ii) Section three: At the end of the first paragraph insert:—"Minister in this section in the case

Returned Soldiers Settlement (Amendment).

case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

(iii) Section 3A: After "any specified tenure" Sec. 3A. insert "other than a holding within an irrigation area."

(iv) Section four, subsection one: At the end of Sec. 4 (1). the subsection add:—"Minister in this subsection in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

Subsection seven: Omit "or, in the case of hold- Subsec. (7). ings within an irrigation area, shall report to the Water Conservation and Irrigation Commission, which shall grant or refuse the application."

At the end of the subsection insert:—"Provided that in the case of lands within an irrigation area such applications shall be dealt with in the manner prescribed, and the granting or refusal of such applications shall be entirely at the discretion of the Water Conservation and Irrigation Commission, which may give preference to any application."

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

Subsection six: Before "soldier" insert "dis- Subsec. (6). charged."

At the end of the subsection add:—"In the case of the death of a discharged soldier before the confirmation of the allotment, the Minister may confirm the allotment to the widow or the legal representative of such discharged soldier."

(vi) Section 4D: Omit "abroad" each time it Sec. 4D. occurs.

After "confirm" insert "or grant."

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

At

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*Returned Soldiers Settlement (Amendment).*

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At the end of the section insert the following:—"The Minister may extend the 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.

- Sec. 4E. (vii) Section 4E: After "Minister" insert "or within an irrigation area the Water Conservation and Irrigation Commission."
- Sec. 4F. (viii) Section 4F: Omit "abroad" each time it occurs.
- Sec. 5.  
Appeal. (ix) Section five: Omit "or the Water Conservation and Irrigation Commission" where secondly occurring.
- Sec. 6,  
subsec. (1). (x) Section six, subsection one, paragraph (e): After "Irrigation Act, 1912," insert "and any Act amending the same."
- Sec. 7,  
subsec. (1). (xi) Section seven, subsection one, paragraph (a): After "water supply" insert "grading."
- Subsec. 2A. 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."
- Paragraph (a): After "water supply" insert "grading."
- After subsection (2A) insert the following new subsection:—
- (2B) The Minister, or the Water Conservation and Irrigation Commission, may purchase and dispose of stock, implements, and such other things as the Minister or such Commission may deem necessary for the purposes of this Act.
- Subsec. (3). Subsection three: Omit the first paragraph, and insert the following new paragraphs in lieu thereof:—
- (3) All moneys advanced or expended by the Minister or the Water Conservation and Irrigation Commission, as the case may be, under

*Returned Soldiers Settlement (Amendment).*

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—

- (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;
- (c) a hire purchase agreement;
- (d) such other security or securities as the Minister or the Water Conservation and Irrigation Commission shall deem sufficient.

The following new paragraphs are inserted at the end of the section:—

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

Notwithstanding any Act to the contrary, 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.

Subsection four: After "Minister" insert "or Subsec. (4). in the case of lands within an irrigation area as defined in any Act, by the Water Conservation and Irrigation Commission."

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

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

At

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*Returned Soldiers Settlement (Amendment).*

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At the end of section add: "This section shall also apply to land subject to the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902, or any Act amending the same in connection with which land advances have been made under this Act."

Sec. 10.

(xiii) Section ten: After "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, or of a discharged soldier."

Section 4F.

**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 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."

New s. 7B.

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

Forfeiture.

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

*Returned Soldiers Settlement (Amendment).*

any forfeiture so incurred if the Minister or such Commission considers the circumstances warrant it, and may attach conditions to such waiver which shall thereupon be deemed to be conditions attaching to the holding.

This section shall also apply to leases under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or any amendments of those Acts in connection with which advances are made under this Act.

Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

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

*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, 1919, by a discharged soldier for any holding under the Crown Lands Acts, the Closer Settlement Acts, or this Act, the Minister or, in the case of land within an irrigation area, the Water Conservation and Irrigation Commission may permit withdrawal of the application before or after the confirmation, granting 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: Withdrawal of applications.

Provided that withdrawal shall not be permitted unless applied for before the expiration of twelve months after the confirmation or allowance of the application under the Crown Lands Acts, the Closer Settlement Acts, or this Act, and, in the case of a holding within an irrigation area, within three months after the granting of the holding.

*Waiver*

*Returned Soldiers Settlement (Amendment).*

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

Waiver of  
rent and  
interest.

14. (1) The Minister may upon application made to him waive the payment of—

- (a) the whole or part of the interest due to the Crown on the balance of purchase money on any purchase under the Crown Lands Acts or on any settlement purchase under the Closer Settlement Acts, or on any holding under the Returned Soldiers Settlement Act, 1916, due or payable by a discharged soldier during the time when such soldier was on active service and six months thereafter ;
- (b) the whole or part of the rent due in respect of any homestead selection, lease or license for the aforesaid periods.

*Extension of time in which to apply for appraisal of capital value or rent, and in which to effect improvements in lieu of rent.*

Extension of  
time for ap-  
praisalment,  
&c.

15. Any holder of a purchase, homestead selection, or lease under the Crown Lands Acts who has been engaged on active service with the naval or military forces of the Commonwealth, or of His Majesty, or any of His Majesty's allies, or has been engaged as a munition worker, shall be entitled,—

- (a) to exercise any right conferred by the Crown Lands Acts to obtain an appraisalment of the capital value of his purchase or homestead selection, or the rent of his lease as the case may be, notwithstanding that the time allowed by the said Acts may have expired : Provided that an application as prescribed be made within three years of the date of the return of such holder to New South Wales ;
- (b) in the case of a homestead farm or Crown lease, to reckon the time for effecting improvements in lieu of paying rent, as exclusive of any period of service as aforesaid.

This section shall extend to the legal representative of any such person who has died. *Previous*



*Returned Soldiers Settlement (Amendment).*

*Previous holding of land not to disqualify in certain cases.*

16. Notwithstanding anything in any Act, an applicant for land under this Act or a discharged soldier who is an applicant for land under the Crown Lands Acts or Closer Settlement Acts and who is otherwise qualified to hold such land, shall not be disqualified by reason only that he has at any time previously obtained a title to or held any other land under the Crown Lands Acts or the Closer Settlement Acts or any other Act, if he no longer holds the same.

Previous holding not to disqualify in certain cases.

*Payments not required for five years if occupation and use be satisfactory.*

17. Where Crown land, other than land within an irrigation area, has been or is acquired by a discharged soldier under section four of the Principal Act it shall not be necessary for any deposit to be lodged or paid, nor for any payment to be made on account of rent for a period of five years from the date of the commencement of the title to the land: Provided that the Minister is satisfied that the land is being properly used and developed, and is bona fide held by a discharged soldier, and that such improvements as he may specify are effected in lieu of such payments.

Payments not required for five years if occupation and use be satisfactory.

*Exclusive right of discharged soldiers to bid at auction sales of Crown lands.*

18. (1) Where Crown lands are offered for sale by auction in pursuance of the provisions of the Crown Lands Consolidation Act, 1913, the Minister may restrict the sale of the whole or any number of lots offered to discharged soldiers exclusively, and may provide that any purchase by or sale to any person other than a discharged soldier shall be void.

Auction sales of Crown lands to discharged soldiers exclusively.

(2) The provisions of section ten of this Act shall apply to lands purchased at such auction sales.

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*Returned Soldiers Settlement (Amendment).*

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*Appraisement of soldiers' holdings.*

Appraise-  
ment of  
soldiers'  
holdings.

19. (1) Where a discharged soldier has acquired land from the Crown under the Crown Lands Acts, the Returned Soldiers Settlement Act, 1916 (other than land within an irrigation area), or the Closer Settlement Acts, and considers the price or capital value excessive, he may apply in the prescribed manner to have such price or capital value determined.

(2) Any application lodged in pursuance of this section shall be dealt with by a local land board or by a board consisting of not more than three persons who shall be appointed by the Governor; one of such persons shall be appointed chairman, and at least one member shall be a resident of the land district in which the land is situated.

(3) The board and the chairman thereof shall in any inquiry and determination under this section have respectively the like powers as are conferred on a local land board under section fourteen of the Crown Lands Consolidation Act, 1913.

*Cost of withdrawal or resumption or of making or providing roads not to be charged to discharged soldiers.*

Discharged  
soldiers not  
liable for cost  
of with-  
drawal,  
resumption,  
or of making  
or providing  
roads.

20. Notwithstanding the provisions of section one hundred and eighteen, or section one hundred and twenty-four, or section one hundred and thirty of the Crown Lands Consolidation Act, 1913, a discharged soldier shall not be liable to repay to the Crown—except for improvements—the proportionate cost of resumption or withdrawal mentioned in those sections, or any sum expended by the Crown in making or providing roads to or on the land of which a discharged soldier shall become the holder.

By Authority :

WILLIAM APPLIGATE GULLICK, Government Printer, Sydney, 1920.

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 17 December, 1919.*

## New South Wales.



ANNO DECIMO

GEORGI V REGIS.

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Act No. 51, 1919.

An Act to make further provision with regard to the settlement of returned or discharged soldiers or sailors; to dispense with the payment of certain fees; to waive certain payments to the Crown; to extend the time for appraisal of capital value and rent, and for effecting improvements in lieu of paying rent in certain cases; to provide for the revaluation of lands held by returned or discharged soldiers or sailors; 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. [Assented to, 23rd December, 1919.]

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*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

P. B. COLQUHOUN,  
*Chairman of Committees of the Legislative Assembly.*

*Returned Soldiers Settlement (Amendment).*

**B**E 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:—

Short title.

**1.** This Act may be cited as the "Returned Soldiers Settlement (Amendment) Act, 1919."

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.

Amendment of Principal Act.

Sec. 2 (1).

Extension of definition of discharged soldier.

**2.** The Principal Act is amended as follows:—

(i) Section two, subsection one:—

Before "enlisted" each time it occurs insert "was appointed as an officer or"

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

After "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 served in the naval or military forces of such allies outside the Commonwealth, and 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, and to any person who has been engaged as a munition worker or who has served abroad in the present war as a nurse or as a war worker."

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

Sec. 3.

(ii) Section three: At the end of the first paragraph insert:—"Minister in this section in the case

*Returned Soldiers Settlement (Amendment).*

case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

- (iii) Section 3A: After "any specified tenure" Sec. 3A. insert "other than a holding within an irrigation area."

- (iv) Section four, subsection one: At the end of Sec. 4 (1). the subsection add:—"Minister in this subsection in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

Subsection seven: Omit "or, in the case of hold- Subsec. (7). ings within an irrigation area, shall report to the Water Conservation and Irrigation Commission, which shall grant or refuse the application."

At the end of the subsection insert:—"Provided that in the case of lands within an irrigation area such applications shall be dealt with in the manner prescribed, and the granting or refusal of such applications shall be entirely at the discretion of the Water Conservation and Irrigation Commission, which may give preference to any application."

- (v) Section 4B, subsection one: Before "soldiers" Sec. 4B. insert "discharged."

Subsection six: Before "soldier" insert "dis- Subsec. (6) charged."

At the end of the subsection add:—"In the case of the death of a discharged soldier before the confirmation of the allotment, the Minister may confirm the allotment to the widow or the legal representative of such discharged soldier."

- (vi) Section 4D: Omit "abroad" each time it Sec. 4D. occurs.

After "confirm" insert "or grant."

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

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*Returned Soldiers Settlement (Amendment).*

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At the end of the section insert the following:—"The Minister may extend the 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.

- Sec. 4E. (vii) Section 4E: After "Minister" insert "or within an irrigation area the Water Conservation and Irrigation Commission."
- Sec. 4F. (viii) Section 4F: Omit "abroad" each time it occurs.
- Sec. 5.  
Appeal. (ix) Section five: Omit "or the Water Conservation and Irrigation Commission" where secondly occurring.
- Sec. 6,  
subsec. (1). (x) Section six, subsection one, paragraph (e): After "Irrigation Act, 1912," insert "and any Act amending the same."
- Sec. 7,  
subsec. (1). (xi) Section seven, subsection one, paragraph (a): After "water supply" insert "grading."
- Subsec. 2A. 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."
- Paragraph (a): After "water supply" insert "grading."
- After subsection (2A) insert the following new subsection:—
- (2B) The Minister, or the Water Conservation and Irrigation Commission, may purchase and dispose of stock, implements, and such other things as the Minister or such Commission may deem necessary for the purposes of this Act.
- Subsec. (3). Subsection three: Omit the first paragraph, and insert the following new paragraphs in lieu thereof:—

(3) All moneys advanced or expended by the Minister or the Water Conservation and Irrigation Commission, as the case may be, under

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*Returned Soldiers Settlement (Amendment).*

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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—

- (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 ;
- (c) a hire purchase agreement ;
- (d) such other security or securities as the Minister or the Water Conservation and Irrigation Commission shall deem sufficient.

The following new paragraphs are inserted at the end of the section :—

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

Notwithstanding any Act to the contrary, 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.

Subsection four: After "Minister" insert "or Subsec. (4). in the case of lands within an irrigation area as defined in any Act, by the Water Conservation and Irrigation Commission."

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

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

At

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*Returned Soldiers Settlement (Amendment).*

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At the end of section add: "This section shall also apply to land subject to the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902, or any Act amending the same in connection with which land advances have been made under this Act."

Sec. 10. (xiii) Section ten: After "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, or of a discharged soldier."

Section 4F. **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 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."

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

Forfeiture. **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



*Returned Soldiers Settlement (Amendment).*

any forfeiture so incurred if the Minister or such Commission considers the circumstances warrant it, and may attach conditions to such waiver which shall thereupon be deemed to be conditions attaching to the holding.

This section shall also apply to leases under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or any amendments of those Acts in connection with which advances are made under this Act.

Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

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

New sections  
and short  
headings.

*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, 1919, by a discharged soldier for any holding under the Crown Lands Acts, the Closer Settlement Acts, or this Act, the Minister or, in the case of land within an irrigation area, the Water Conservation and Irrigation Commission may permit withdrawal of the application before or after the confirmation, granting 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 :

Withdrawal  
of appli-  
cations.

Provided that withdrawal shall not be permitted unless applied for before the expiration of twelve months after the confirmation or allowance of the application under the Crown Lands Acts, the Closer Settlement Acts, or this Act, and, in the case of a holding within an irrigation area, within three months after the granting of the holding.

*Waiver*

*Returned Soldiers Settlement (Amendment).**Waiver of rent and interest due by Crown settlers on active service.*

Waiver of  
rent and  
interest.

14. (1) The Minister may upon application made to him waive the payment of—

- (a) the whole or part of the interest due to the Crown on the balance of purchase money on any purchase under the Crown Lands Acts or on any settlement purchase under the Closer Settlement Acts, or on any holding under the Returned Soldiers Settlement Act, 1916, due or payable by a discharged soldier during the time when such soldier was on active service and six months thereafter ;
- (b) the whole or part of the rent due in respect of any homestead selection, lease or license for the aforesaid periods.

*Extension of time in which to apply for appraisalment of capital value or rent, and in which to effect improvements in lieu of rent.*

Extension of  
time for ap-  
praisalment,  
&c.

15. Any holder of a purchase, homestead selection, or lease under the Crown Lands Acts who has been engaged on active service with the naval or military forces of the Commonwealth, or of His Majesty, or any of His Majesty's allies, or has been engaged as a munition worker, shall be entitled,—

- (a) to exercise any right conferred by the Crown Lands Acts to obtain an appraisalment of the capital value of his purchase or homestead selection, or the rent of his lease as the case may be, notwithstanding that the time allowed by the said Acts may have expired : Provided that an application as prescribed be made within three years of the date of the return of such holder to New South Wales ;
- (b) in the case of a homestead farm or Crown lease, to reckon the time for effecting improvements in lieu of paying rent, as exclusive of any period of service as aforesaid.

This section shall extend to the legal representative of any such person who has died. *Previous*

*Returned Soldiers Settlement (Amendment).*

*Previous holding of land not to disqualify in certain cases.*

16. Notwithstanding anything in any Act, an applicant for land under this Act or a discharged soldier who is an applicant for land under the Crown Lands Acts or Closer Settlement Acts and who is otherwise qualified to hold such land, shall not be disqualified by reason only that he has at any time previously obtained a title to or held any other land under the Crown Lands Acts or the Closer Settlement Acts or any other Act, if he no longer holds the same.

Previous holding not to disqualify in certain cases.

*Payments not required for five years if occupation and use be satisfactory.*

17. Where Crown land, other than land within an irrigation area, has been or is acquired by a discharged soldier under section four of the Principal Act it shall not be necessary for any deposit to be lodged or paid, nor for any payment to be made on account of rent for a period of five years from the date of the commencement of the title to the land: Provided that the Minister is satisfied that the land is being properly used and developed, and is bona fide held by a discharged soldier, and that such improvements as he may specify are effected in lieu of such payments.

Payments not required for five years if occupation and use be satisfactory.

*Exclusive right of discharged soldiers to bid at auction sales of Crown lands.*

18. (1) Where Crown lands are offered for sale by auction in pursuance of the provisions of the Crown Lands Consolidation Act, 1913, the Minister may restrict the sale of the whole or any number of lots offered to discharged soldiers exclusively, and may provide that any purchase by or sale to any person other than a discharged soldier shall be void.

Auction sales of Crown lands to discharged soldiers exclusively.

(2) The provisions of section ten of this Act shall apply to lands purchased at such auction sales.

*Appraisement*

*Returned Soldiers Settlement (Amendment).**Appraisement of soldiers' holdings.*

Appraisement of soldiers' holdings.

19. (1) Where a discharged soldier has acquired land from the Crown under the Crown Lands Acts, the Returned Soldiers Settlement Act, 1916 (other than land within an irrigation area), or the Closer Settlement Acts, and considers the price or capital value excessive, he may apply in the prescribed manner to have such price or capital value determined.

(2) Any application lodged in pursuance of this section shall be dealt with by a local land board or by a board consisting of not more than three persons who shall be appointed by the Governor; one of such persons shall be appointed chairman, and at least one member shall be a resident of the land district in which the land is situated.

(3) The board and the chairman thereof shall in any inquiry and determination under this section have respectively the like powers as are conferred on a local land board under section fourteen of the Crown Lands Consolidation Act, 1913.

*Cost of withdrawal or resumption or of making or providing roads not to be charged to discharged soldiers.*

Discharged soldiers not liable for cost of withdrawal, resumption, or of making or providing roads.

20. Notwithstanding the provisions of section one hundred and eighteen, or section one hundred and twenty-four, or section one hundred and thirty of the Crown Lands Consolidation Act, 1913, a discharged soldier shall not be liable to repay to the Crown—except for improvements—the proportionate cost of resumption or withdrawal mentioned in those sections, or any sum expended by the Crown in making or providing roads to or on the land of which a discharged soldier shall become the holder.

*In the name and on behalf of His Majesty I assent to this Act.*

W. E. DAVIDSON,  
*Government House,* Governor.  
*Sydney, 23rd December, 1919.*

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 26 November, 1919.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 3rd December, 1919.*

RETURNED SOLDIERS SETTLEMENT (AMENDMENT) BILL.

*SCHEDULE of the Amendments referred to in Message of 3rd December, 1919.*

Page 3, clause 2, line 32. After "widow" insert "or the legal representative"

Page 9, clause 5, line 4. After "Act" insert "or the Crown Lands Acts or Closer Settlement Acts"

Pages 10 and 11, clause 5. Omit from line 1 on page 10 to line 32 on page 11, both inclusive.

certain fees; to waive certain payments to the Crown; to extend the time for appraisal of capital value and rent, and for effecting improvements in lieu of paying rent in certain cases; to provide for the revaluation of lands held by returned or discharged soldiers or sailors; 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.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 26 November, 1919.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 3rd December, 1919.*

## New South Wales.



ANNO DECIMO

# GEORGII V REGIS.

\*\*\*\*\*

Act No. , 1919.

An Act to make further provision with regard to the settlement of returned or discharged soldiers or sailors; to dispense with the payment of certain fees; to waive certain payments to the Crown; to extend the time for appraisal of capital value and rent, and for effecting improvements in lieu of paying rent in certain cases; to provide for the revaluation of lands held by returned or discharged soldiers or sailors; 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.

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BE

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

*Returned Soldiers Settlement (Amendment).*

**B**E 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  
5 the same, as follows:—

**1.** This Act may be cited as the "Returned Soldiers Settlement (Amendment) Act, 1919." Short title.

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

**2.** The Principal Act is amended as follows:—

(i) Section two, subsection one:—

Before "enlisted" each time it occurs insert "was  
15 appointed as an officer or"

Paragraph (c): Before "has received his discharge" insert "has had his appointment  
terminated or" Extension of definition of discharged soldier.

After "and is resident in the Commonwealth" where secondly occurring insert "or  
20 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 served  
25 in the naval or military forces of such allies outside the Commonwealth, and had his appointment terminated or received his discharge and is resident in the Commonwealth. The Minister may also extend the above definition  
30 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, and to any person who has been  
35 engaged as a munition worker or who has served abroad in the present war as a nurse or as a war worker."

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

(ii) Section three: At the end of the first para-  
40 graph insert:—"Minister in this section in the Sec. 3.  
case

*Returned Soldiers Settlement (Amendment).*

case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

5 (iii) Section 3A: After "any specified tenure" Sec. 3A.  
insert "other than a holding within an irrigation area."

(iv) Section four, subsection one: At the end of Sec. 4 (1).  
the subsection add:—"Minister in this subsection in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

10 Subsection seven: Omit "or, in the case of hold- Subsec (7)  
ings within an irrigation area, shall report to the Water Conservation and Irrigation Commission, which shall grant or refuse the applica-  
15 tion."

At the end of the subsection insert:—"Provided that in the case of lands within an irrigation area such applications shall be dealt with in the manner prescribed, and the granting or refusal of such applications shall be entirely at the discretion of the Water Conservation and Irrigation Commission, which may give preference to any application."

20 (v) Section 4B, subsection one: Before "soldiers" Sec. 4B  
insert "discharged."

Subsection six: Before "soldier" insert "dis- Subsec (6)  
charged."

30 At the end of the subsection add:—"In the case of the death of a discharged soldier before the confirmation of the allotment, the Minister may confirm the allotment to the widow or the legal representative of such discharged soldier."

(vi) Section 4D: Omit "abroad" each time it Sec 4D.  
35 occurs.

After "confirm" insert "or grant."

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

At



*Returned Soldiers Settlement (Amendment).*

At the end of the section insert the following:—“The Minister may extend the 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.

5

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

10

(viii) Section 4F: Omit “abroad” each time it occurs. Sec. 4F.

(ix) Section five: Omit “or the Water Conservation and Irrigation Commission” where occurring. Sec. 5 Appeal.

15

(x) Section six, subsection one, paragraph (e): After “Irrigation Act, 1912,” insert “and any Act amending the same.” Sec. 6, subsec. (1).

(xi) Section seven, subsection one, paragraph (a): After “water supply” insert “grading.” Sec. 7, subsec. (1).

20

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.” Subsec. 2A.

25

Paragraph (a): After “water supply” insert “grading.”

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

30

(2B) The Minister, or the Water Conservation and Irrigation Commission, may purchase and dispose of stock, implements, and such other things as the Minister or such Commission may deem necessary for the purposes of this Act.

35

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

40

(3) All moneys advanced or expended by the Minister or the Water Conservation and Irrigation Commission, as the case may be, under

*Returned Soldiers Settlement (Amendment).*

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.

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

- (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;
- 10 (b) a stock mortgage;
- (c) a hire purchase agreement;
- (d) such other security or securities as the Minister or the Water Conservation and Irrigation Commission shall deem
- 15 sufficient.

The following new paragraphs are inserted at the end of the section:—

20 All such moneys with interest thereon shall be a debt due by the person to whom the advance was made and shall be recoverable and any security for such moneys shall be enforceable by the Minister or the Water Conservation and Irrigation Commission in

25 any court of competent jurisdiction.

Notwithstanding any Act to the contrary, 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

30 under this Act or for any affidavit sworn in verification thereof.

Subsection four: After "Minister" insert "or Subsec. (4). in the case of lands within an irrigation area as defined in any Act, by the Water Conservation and Irrigation Commission."

35

(xii) Section 7A: After "Minister" insert "or, in Sec. 7A. the case of lands within an irrigation area as defined in any Act, the Water Conservation and Irrigation Commission."

40 After "he" each time it occurs insert "or the Commission."

At

*Returned Soldiers Settlement (Amendment).*

5 At the end of section add: "This section shall also apply to land subject to the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902, or any Act amending the same in connection with which land advances have been made under this Act."

(xiii) Section ten: After "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, or of a discharged soldier."

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

15 "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 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."

25 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:

40 Provided that the Minister, or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission, may waive any

*Returned Soldiers Settlement (Amendment).*

any forfeiture so incurred if the Minister or such Commission considers the circumstances warrant it, and may attach conditions to such waiver which shall thereupon be deemed to be conditions attaching to the holding.

This section shall also apply to leases under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or any amendments of those Acts in connection with which advances are made under this Act.

Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

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

New sections and short headings.

*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, 1919, by a discharged soldier for any holding under the Crown Lands Acts, the Closer Settlement Acts, or this Act, the Minister or, in the case of land within an irrigation area, the Water Conservation and Irrigation Commission may permit withdrawal of the application before or after the confirmation, granting 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 :

Withdrawal of applications.

Provided that withdrawal shall not be permitted unless applied for before the expiration of twelve months after the confirmation or allowance of the application under the Crown Lands Acts, the Closer Settlement Acts, or this Act, and, in the case of a holding within an irrigation area, within three months after the granting of the holding.

*Waiver*

*Returned Soldiers Settlement (Amendment).**Waiver of rent and interest due by Crown settlers on active service.*

14. (1) The Minister may upon application made to him waive the payment of—

- 5 (a) the whole or part of the interest due to the Crown on the balance of purchase money on any purchase under the Crown Lands Acts or on any settlement purchase under the Closer Settlement Acts, or on any holding under the Returned Soldiers Settlement Act, 1916, due or payable by a discharged soldier during the time when such soldier was on active service and six months thereafter ;
- 10 (b) the whole or part of the rent due in respect of any homestead selection, lease or license for the aforesaid periods.
- 15

*Extension of time in which to apply for appraisal of capital value or rent, and in which to effect improvements in lieu of rent.*

20 15. Any holder of a purchase, homestead selection, or lease under the Crown Lands Acts who has been engaged on active service with the naval or military forces of the Commonwealth, or of His Majesty, or any of His Majesty's allies, or has been engaged as a munition worker, shall be entitled,—

- 25 (a) to exercise any right conferred by the Crown Lands Acts to obtain an appraisal of the capital value of his purchase or homestead selection, or the rent of his lease as the case may be, notwithstanding that the time allowed by the said Acts may have expired : Provided that an application as prescribed be made within three years of the date of the return of such holder to New South Wales ;
- 30 (b) in the case of a homestead farm or Crown lease, to reckon the time for effecting improvements in lieu of paying rent, as exclusive of any period of service as aforesaid.
- 35

40 This section shall extend to the legal representative of any such person who has died. *Previous*

*Returned Soldiers Settlement (Amendment).**Previous holding of land not to disqualify in certain cases.*

16. Notwithstanding anything in any Act, an applicant for land under this Act or the Crown Lands Acts or Closer Settlement Acts who is otherwise qualified to hold such land, shall not be disqualified by reason only that he has at any time previously obtained a title to or held any other land under the Crown Lands Acts or the Closer Settlement Acts or any other Act, if he no longer holds the same.

an Previous holding not to disqualify in certain cases.

*Payments not required for five years if occupation and use be satisfactory.*

17. Where Crown land, other than land within an irrigation area, has been or is acquired by a discharged soldier under section four of the Principal Act it shall not be necessary for any deposit to be lodged or paid, nor for any payment to be made on account of rent for a period of five years from the date of the commencement of the title to the land: Provided that the Minister is satisfied that the land is being properly used and developed, and is bona fide held by a discharged soldier, and that such improvements as he may specify are effected in lieu of such payments.

Payments not required for five years if occupation and use be satisfactory.

*Exclusive right of discharged soldiers to bid at auction sales of Crown lands.*

18. (1) Where Crown lands are offered for sale by auction in pursuance of the provisions of the Crown Lands Consolidation Act, 1913, the Minister may restrict the sale of the whole or any number of lots offered to discharged soldiers exclusively, and may provide that any purchase by or sale to any person other than a discharged soldier shall be void.

Auction sales of Crown lands to discharged soldiers exclusively.

(2) The provisions of section ten of this Act shall apply to lands purchased at such auction sales.

*Returned Soldiers Settlement (Amendment).**Resumption of land for disposal to discharged soldiers or sailors.*

5 19. (1) Where, in the opinion of the Minister, any land could reasonably be used for a better or more productive purpose than that to which it is put, he may notify in the Gazette his intention to direct that an inquiry shall be held as to whether such land should be resumed by the Governor for the purpose of the settlement of discharged soldiers or sailors.

Resumption of land on the use value for discharged soldiers or sailors.

10 Subject to the provisions hereinafter contained, no disposition of such land, unless made with the consent of the Minister, shall operate to defeat the exercise of the power of resumption under this Act.

15 (2) The Minister may require a local land board to inquire and report—

(a) whether such land could reasonably be used for a better or more productive purpose than that to which it is put ;

20 (b) whether such land should be resumed for the purposes of this Act ;

25 (c) the value of such land recommended for resumption, and the value of the improvements thereon based on the use to which such land has been put for the five years prior to the date of the said notification.

30 Such report shall not have any effect for the purposes of this section unless it is made within six months after the notification referred to in subsection one.

35 (3) Any decision by a local land board under this section shall be subject to appeal to the Land Appeal Court and to reference by the Minister in a like manner as provided by the Crown Lands Acts, and any decision of the Land Appeal Court shall be subject to appeal to the Supreme Court.

40 (4) If the local land board reports that the land could then be and during the preceding five years could reasonably have been used for a better or more productive purpose than that to which it is put, the Governor may resume such land at the value determined in the report.

*Returned Soldiers Settlement (Amendment).*

5 (5) The right of resumption under this section shall cease if it be not exercised within three months after the decision of the local land board, or, in the event of an appeal, within three months after the decision of the Land Appeal Court, or the Supreme Court, or if the matter be not referred to the board, as hereinbefore provided, within three months from the date of the notification in the Gazette of the intention to direct an inquiry.

10 (6) This section shall only apply where the land—

- 15 (a) is more than three hundred acres in area; and  
 (b) is of an unimproved capital value of not less than five thousand pounds; and  
 (c) has been held continuously by the same owner for a period of not less than seven years prior to the notification mentioned in subsection one of this section.

20 20. The purchase or resumption of land under this Act shall be effected by notification in the Gazette, and upon such notification being made the land shall vest in His Majesty, and shall be deemed to be Crown lands as defined in the Crown Lands Consolidation Act, 1913, but reserved from sale or lease, except sale or lease under this Act. Upon production of a copy of such notification duly certified under the hand of the Minister, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if it were a memorandum of transfer duly executed under the Real Property Act, 1900.

Purchase or resumption of land affected by notification.

*Appraisement of soldiers' holdings.*

35 19. (1) Where a discharged soldier has acquired land from the Crown under the Crown Lands Acts, the Returned Soldiers Settlement Act, 1916 (other than land within an irrigation area), or the Closer Settlement Acts, and considers the price or capital value excessive, he may apply in the prescribed manner to have such price or capital value determined.

40 (2)

Appraisement of soldiers' holdings.



*Returned Soldiers Settlement (Amendment).*

5 (2) Any application lodged in pursuance of this section shall be dealt with by a local land board or by a board consisting of not more than three persons who shall be appointed by the Governor; one of such persons shall be appointed chairman, and at least one member shall be a resident of the land district in which the land is situated.

10 (3) The board and the chairman thereof shall in any inquiry and determination under this section have respectively the like powers as are conferred on a local land board under section fourteen of the Crown Lands Consolidation Act, 1913.

15 *Cost of withdrawal or resumption or of making or providing roads not to be charged to discharged soldiers.*

20 20. Notwithstanding the provisions of section one hundred and eighteen, or section one hundred and twenty-four, or section one hundred and thirty of the Crown Lands Consolidation Act, 1913, a discharged soldier shall not be liable to repay to the Crown—except for improvements—the proportionate cost of resumption or withdrawal mentioned in those sections, or any sum expended by the Crown in making or providing roads to or on the land of which a discharged soldier shall become the holder.

Discharged soldiers not liable for cost of withdrawal, resumption, or of making or providing roads.

## Returned Soldiers Settlement (Amendment) Bill.

Sections of the Returned Soldiers Settlement Act, 1916, showing in **BLACK TYPE** the amendments proposed to be made by the Amending Bill now before the Legislative Assembly, and explanations of the amendments.

2. (1) In this Act unless the context otherwise requires "discharged soldier" means—
- (a) any person who being or having been a resident in the Commonwealth of Australia **was appointed as an officer** or enlisted as a member of the naval or military forces of the Commonwealth for service outside the said Commonwealth, or **was appointed as an officer** or enlisted in the United Kingdom, or in any of His Majesty's dominions for service in His Majesty's naval or military forces, and has served in such forces in the present war outside the Commonwealth ;
  - (b) any person who being or having been resident in the said Commonwealth **was appointed as an officer** or enlisted in the naval or military forces of the said Commonwealth for active service abroad in the present war, but whose service was confined to the said Commonwealth, and who, in the opinion of a classification committee, was unable, through circumstances not within his own control, to serve abroad as aforesaid ;  
and in either such case—
  - (c) **has had his appointment terminated** or has received his discharge, and is resident in the Commonwealth.

The Minister may extend the above definition to include any person who, not being or having been resident in the said Commonwealth, enlisted as a member of the naval or military forces of the United Kingdom or of any of His Majesty's dominions, and has served in such forces in the said war outside the country where he enlisted, and has received his discharge and is resident in the Commonwealth ; 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 served in the naval or military forces of such allies outside the Commonwealth, and 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, and to any person who has been engaged as a munition worker, or who has served abroad during the present war as a nurse or as a war worker.

Provided that the above definition shall not include any person whose discharge from service or termination of appointment was due to misconduct or incapacity resulting from his own default.

(2) Unless the context necessarily requires a different meaning, expressions defined in the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts or the Irrigation Act, 1912, shall bear the same meaning in this Act.

### NOTES.

(1) These amendments are necessary to make provision for officers, as they do not receive a discharge ; their appointments are terminated.

(2) This amendment is designed to meet the cases of—(1) residents of the Commonwealth who have served in the recent war, and who were called up for service in the British or allied forces ; (2) permanently incapacitated men who by reason of their injuries have not received their discharges. In such latter cases it is thought there is no necessity for them to wait till they receive their discharges. These provisions will apply only to individual cases in which the Minister is satisfied the circumstances are such that the soldier should be treated in the same manner as an Australian soldier. Canada and Queensland have somewhat similar provisions. (3) Munition workers and nurses and war workers who served abroad.

## SPECIAL SETTLEMENTS FOR OCCUPATION BY DISCHARGED SOLDIERS.

*Ordinary tenures.*

3. The Minister may, by notification in the Gazette, set apart any area of Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to be disposed of under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts to discharged soldiers exclusively. **Minister in this section in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being.**

Any notification under this section may by a like notification be amended or revoked.

NOTE.—The “Minister,” so far as irrigation areas are concerned, is the Minister for Agriculture, and it is desired to make this clear in this Act.

3A. It shall be lawful for the Minister to issue to any discharged soldier or to any person applying under section 4D on behalf of a soldier or sailor on active service a certificate of preferential right, entitling the recipient to the farm or block described therein and situated within any area set apart for any specified tenure **other than a holding within an irrigation area** under the Returned Soldiers Settlement Act or the Crown Lands Consolidated Act, 1913, or the Closer Settlement Acts or any Acts amending the same; and upon the issue of such certificate the soldier or sailor named therein shall be deemed to have had such farm or block confirmed to him without reference to the local land board; and subsection seven of section four of this Act shall not apply in relation to such application:

Provided that in the notification of the setting apart of any area designed exclusively for the holders of preferential right certificates such notification shall state that the land so set apart shall be available only for the holders of such certificate.

NOTE.—The note against section 3 applies to this amendment also.

4. (1) In addition to the powers conferred by section three the Minister may, by notification in the Gazette, set apart any area of Crown land or of land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to be disposed of by way of sale or lease to discharged soldiers in the manner hereinafter provided. **Minister in this subsection in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being.**

\* \* \* \* \*

(7) All applications shall be dealt with by the local land board, which shall confirm or disallow an application unless it permits its withdrawal, ~~or, in the case of holdings within an irrigation area, shall report to the Water Conservation and Irrigation Commission, which shall grant or refuse the application,~~ and the board shall as far as practicable assist applicants in acquiring blocks suitable to their experience, capital, and physical fitness: **Provided that in the case of lands within an irrigation area such applications shall be dealt with in the manner prescribed, and the granting or refusal of such applications shall be entirely at the discretion of the Water Conservation and Irrigation Commission, which may give preference to any application.**

## NOTES.

- (1) Note against section 3 applies to the first amendment of this section.
- (2) The Water Conservation and Irrigation Commission controls irrigation areas, and it is advisable to give the Commission—as distinct from the Board—power to grant or refuse any application.

4B. (1) The Minister may by notification in the Gazette set apart for sale any Crown lands or lands acquired under the Closer Settlement Acts or otherwise as a settlement for a group of **discharged** soldiers, stating therein the prices and the terms and conditions of sale of such lands. Any notification under this section may by like notification be amended or revoked.

\* \* \* \* \*

(6) Within twelve months from the date of allotment the Minister, if satisfied of the fitness and suitability of the **discharged** soldier, may confirm the allotment, and the title to the holding shall commence from the date of such confirmation as notified in the Gazette. **In the case of the death of a discharged soldier before the confirmation of the allotment, the Minister may confirm the allotment to the widow of such discharged soldier.**

(7) A Crown grant of land shall be issued upon the Minister being satisfied that the conditions attaching to the block have been fulfilled, and on payment of the purchase money, deed fee, and stamp duty, and any money owing by the holder to the Crown in respect of the block or any improvements thereon.

NOTES.

(1) Formal amendment.

(2) It is found that there are several cases where a soldier has died after land has been allotted to him, but before his title was formally confirmed.

The amendment will allow the widow of such a soldier to acquire the block.

4D. A parent or other relative or any person may, on behalf of a soldier or sailor on active service abroad with the Australian Imperial Forces or with any other naval or military force raised in the Commonwealth by the Minister for Defence, make application for any land available under this Act.

The application shall be made as prescribed and the consent of the Minister shall be obtained before the application is lodged.

Except where otherwise provided the local land board, or in the case of a holding within an irrigation area the Water Conservation or Irrigation Commission, shall, if satisfied that the application is made in the interest of a soldier or sailor on active service abroad, confirm or grant the holding in his name.

In the event of the death of such soldier or sailor before entering into occupation of the holding or of his inability or unwillingness to occupy and work the holding within such period after his discharge as the Minister, or in the case of a holding within an irrigation area the Water Conservation and Irrigation Commission, may deem reasonable, or if in the opinion of the Minister, or in the case of a holding within an irrigation area the Water Conservation and Irrigation Commission, such soldier or sailor has become disqualified to make an application under this Act the holding shall be forfeited.

Upon forfeiture the Minister, or in the case of a holding within an irrigation area the Water Conservation and Irrigation Commission, may grant tenant-right (as defined by the Crown Lands Consolidation Act, 1913) in improvements to the person whom he considers most entitled thereto.

In other respects the holding shall be subject to the terms and conditions notified in the Gazette and to the provisions of this Act. The Minister may extend the 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.

NOTES.

(1) As the section stands a parent cannot apply for his son unless the latter is abroad. It is desired to apply it to soldiers who may be in Australia, but not discharged.

(2) The Water Conservation and Irrigation Commission controls applications for irrigation holdings under this section, and should have the ultimate decision as to the disposal of the land.

(3) To make the section more elastic and bring it into line with the definition clause as amended by this Bill.

4E. The Minister or within an irrigation area the Water Conservation and Irrigation Commission may provide and maintain training farms or settlements to enable discharged soldiers to acquire the knowledge requisite for agricultural, pastoral, horticultural, viticultural, apicultural, or dairying pursuits, pig-raising, fruit-growing, or poultry or general farming, and to test their aptitude therefor, or may make such arrangements with the owners of private lands for carrying out the purposes aforesaid as are deemed expedient.

NOTE.

To provide that the Water Conservation and Irrigation Commission may carry on training farms for soldiers.

4F. Whenever residence is a condition attaching to a holding under this or the Crown Lands Acts or the Closer Settlement Acts and held by a soldier or sailor on active service abroad as defined in section 4D such condition shall be deemed to have been complied with by such service abroad for the period of the same.

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 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.

NOTE.—These amendments provide :—

- (1) That any period of service—even if not abroad—shall count in fulfilment of residence ; and
- (2) That the death of a soldier or sailor while on active service extinguishes any condition of residence attaching to his holding.

5. There shall be no appeal to the Land Appeal Court from the decision of the local land board or the Water Conservation and Irrigation Commission dealing with applications under this Act : Provided that the Minister may, within twenty-eight days after the decision of the local land board or the Water Conservation and Irrigation Commission has been given, refer such decision for determination to the Land Appeal Court, and in such cases the decision of the Land Appeal Court shall be final.

NOTE.—The amendment confines the Minister's right of reference under the section to cases outside the irrigation areas.

6. (1) The Governor may make regulations prescribing--

- \*   \*   \*   \*   \*   \*   \*   \*   \*
- (e) the application of any of the provisions of the Crown Lands Consolidation Act, 1913, the Closer Settlement Acts, the Irrigation Act, 1912, and any Act amending the same, or of any other Act relating to the administration of the Crown land or land acquired under the Closer Settlement Acts or the Murrumbidgee Irrigation Act, 1910, to lands disposed of under section four hereof ;
- \*   \*   \*   \*   \*   \*   \*   \*   \*

NOTE.—A necessary machinery amendment in order that regulations may be made for the settlement of soldiers on the Hay and Wentworth Irrigation Areas.

7. (1) In considering applications under this Act the local land board shall, if the Minister so directs, take into consideration, either with or without special application, the advisability of assisting applicants with respect to any of the following matters :—

- (a) The clearing, fencing, draining, water supply, grading, and general improvement of land disposed of under this Act ;
- (b) the erection of buildings on any such land ; and
- (c) the purchase of implements, stock, seed, plants, trees, and such other things as may be deemed necessary to satisfactorily occupy and develop the land.

\*   \*   \*   \*   \*   \*   \*   \*   \*

(2A) The Minister or, in the case of lands within an irrigation area defined in any Act, the Water Conservation and Irrigation Commission may, from time to time, without reference to or report by a local land board, make advances to a discharged soldier with respect to any land which such soldier owns or leases or occupies as a share-farmer for the purpose of—

- (a) the clearing, fencing, draining, water supply, grading, and general improvement of the said land ;
- (b) the purchase of implements, stock, seeds, plants, and such other things as may be deemed necessary to satisfactorily occupy and develop the land ; or
- (c) the erection of buildings on land owned by such soldier or held by him under lease from the Crown or the Water Conservation and Irrigation Commission :

Provided that before any advance is made in respect of private land leased to a discharged soldier or occupied under a share-farming agreement the Minister shall require to be satisfied that the contract is equitable and advantageous to the discharged soldier.

(2B) The Minister, or the Water Conservation and Irrigation Commission, may purchase and dispose of stock, implements, and such other things as the Minister or such Commission may deem necessary for the purposes of this Act.

NOTE.—These amendments are inserted in order to facilitate the settlement of soldiers on irrigation areas.

(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 the Water Conservation and Irrigation Commission, and shall be secured by way of a first mortgage over the said land and any improvements thereon or over the settlers' interest in the said land and improvements.

(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—

- (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;
- (c) a hire purchase agreement;
- (d) such other security or securities as the Minister or the Water Conservation and Irrigation Commission shall deem sufficient.

Provided that the Minister or the Water Conservation and Irrigation Commission may, in any case of hardship, dispense, either wholly or in part, with the payment of interest under this section.

Provided also that the rate of interest per annum for advances made under this section shall not exceed three and one-half per centum for the first year, four per centum for the second year, and so on, the rate increasing by not more than one-half per centum for each subsequent year until such rate reaches the rate determined as aforesaid.

(4) If default is made in the payment of any moneys advanced or expended at any time under this section or of any instalment thereof or interest thereon, for a period of three months after demand made for payment thereof, the holding in respect of which the money has been advanced or expended may be declared forfeited to the Crown, together with all moneys paid thereon and all improvements on the land. Such demand shall be in writing signed by a person authorised by the Minister or, in the case of lands within an irrigation area as defined in any Act, by the Water Conservation and Irrigation Commission, and may be made by sending it by post to the owner of the holding at his last known address.

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

Notwithstanding any Act to the contrary, 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.

#### NOTES.

- (1) To facilitate the granting of financial assistance to soldier settlers.
- (2) To give necessary powers to the Water Conservation and Irrigation Commission.
- (3) To save mortgage, registration, and other fees in connection with advances under this Act.

7A. Where the Minister or, in the case of lands within an irrigation area as defined in any Act, the Water Conservation and Irrigation Commission, is of opinion that any money advanced under this Act 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) or any implements supplied in pursuance of this Act, or the produce of such live stock are being neglected, he or the Commission may refuse to pay any further instalments of the advance or to make any further advances, and, if he or the Commission so declares by notification in the Gazette, all moneys already advanced, together with interest thereon, shall become immediately due and payable and may be recovered as a Crown debt.

This section shall also apply to land subject to the Wentworth Irrigation Act or the Hay Irrigation Act, 1902, or any Act amending the same in connection with which land advances have been made under this Act.

NOTE.—To give necessary power to the Water Conservation and Irrigation Commission in connection with advances.

10. Land leased or sold to a discharged soldier under this Act shall not be capable of being transferred or otherwise dealt with before or after grant unless the Minister's or, in the case of a holding within an irrigation area, the Water Conservation and Irrigation Commission's consent thereto has been obtained; and except where the Minister or such Commission is satisfied that the settler is compelled by sickness of himself or family, financial difficulties or incapacity or other adverse circumstances, to leave his holding, it shall not be transferable—except by way of mortgage—until the expiry of five years from the date of the commencement of the lease or purchase. Such consent shall not for a period of ten years from the date of commencement of title to the holding be given to a transfer or other dealing (other than by way of mortgage only) to or with any person who is not a discharged soldier **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, or of a discharged soldier**; and any transfer or dealing within such period except by way of mortgage only to any person other than a discharged soldier shall be invalid and void.

NOTE.—To enable transfers of discharged soldiers' holdings to be made to soldiers and sailors still on active service, and to the widow of a soldier who died on active service or to the widow of a discharged soldier.

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. S. MOWLE,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 26 November, 1919.*

## New South Wales.



ANNO DECIMO

# GEORGI V REGIS.

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Act No.     , 1919.

An Act to make further provision with regard to the settlement of returned or discharged soldiers or sailors; to dispense with the payment of certain fees; to waive certain payments to the Crown; to extend the time for appraisal of capital value and rent, and for effecting improvements in lieu of paying rent in certain cases; to provide for the revaluation of lands held by returned or discharged soldiers or sailors; 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.

**B**E 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:—



*Returned Soldiers Settlement (Amendment).*

**1.** This Act may be cited as the "Returned Soldiers Settlement (Amendment) Act, 1919." Short title.

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.

**2.** The Principal Act is amended as follows:—

(i) Section two, subsection one:—

Amendment of Principal Act.

10 Before "enlisted" each time it occurs insert "was appointed as an officer or"

Sec. 2 (1).

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

Extension of definition of discharged soldier.

15 After "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 served in the naval or military forces of such allies outside the Commonwealth, and 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, and to any person who has been engaged as a munition worker or who has served abroad in the present war as a nurse or as a war worker."

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

35 (ii) Section three: At the end of the first paragraph insert:—"Minister in this section in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

Sec. 3.

40 (iii) Section 3A: After "any specified tenure" insert "other than a holding within an irrigation area."

Sec. 3A.

(iv) Section four, subsection one: At the end of the subsection add:—"Minister in this subsection"

Sec. 4 (1).

*Returned Soldiers Settlement (Amendment).*

subsection in the case of lands within an irrigation area, shall be read as Minister for Agriculture for the time being."

5 Subsection seven: Omit "or, in the case of hold- Subsec. 7.  
ings within an irrigation area, shall report to the Water Conservation and Irrigation Commission, which shall grant or refuse the application."

10 At the end of the subsection insert:—"Provided that in the case of lands within an irrigation area such applications shall be dealt with in the manner prescribed, and the granting or refusal of such applications shall be entirely at the discretion of the Water Conservation and Irrigation Commission, which may give preference to any application."

15 (v) Section 4B, subsection one: Before "soldiers" Sec. 4B.  
insert "discharged."

20 Subsection six: Before "soldier" insert "dis- Subsec. 6.  
charged."

At the end of the subsection add:—"In the case of the death of a discharged soldier before the confirmation of the allotment, the Minister may confirm the allotment to the widow of such discharged soldier."

25 (vi) Section 4D: Omit "abroad" each time it Sec. 4D.  
occurs.

After "confirm" insert "or grant."

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

35 At the end of the section insert the following:—"The Minister may extend the 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."

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

*Returned Soldiers Settlement (Amendment).*

- (viii) Section 4F: Omit "abroad" each time it occurs. Sec. 4F.
- 5 (ix) Section five: Omit "or the Water Conservation and Irrigation Commission" where secondly occurring. Sec. 5. Appeal.
- (x) Section six, subsection one, paragraph (c): After "Irrigation Act, 1912," insert "and any Act amending the same." Sec. 6, subsec. (1).
- 10 (xi) Section seven, subsection one, paragraph (a): After "water supply" insert "grading." Sec. 7, subsec. (1).  
 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." Subsec. 2A.
- 15 Paragraph (a): After "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 the Minister or such Commission may deem necessary for the purposes of this Act.
- 25 Subsection three: Omit the first paragraph, and insert the following new paragraphs 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.
- 35 Such moneys shall be secured by one or more of the undermentioned securities—
- 40 (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)

*Returned Soldiers Settlement (Amendment).*

- (b) a stock mortgage ;  
 (c) a hire purchase agreement ;  
 (d) such other security or securities as the  
 Minister or the Water Conservation  
 and Irrigation Commission shall deem  
 sufficient.

The following new paragraphs are inserted at the  
 end of the section :—

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

Notwithstanding any Act to the contrary,  
 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.

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

(xii) Section 7A: After "Minister" insert "or,  
 in the case of lands within an irrigation area as  
 defined in any Act, the Water Conservation  
 and Irrigation Commission."

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

At the end of section add: "This section  
 shall also apply to land subject to the Went-  
 worth Irrigation Act, or the Hay Irrigation  
 Act, 1902, or any Act amending the same in  
 connection with which land advances have  
 been made under this Act."

(xiii) Section ten: After "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, or  
 of a discharged soldier."

*Returned Soldiers Settlement (Amendment).*

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

5       “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 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.” Condition of residence.

10

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

15       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: Forfeiture.

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30       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 the Minister or such Commission considers the circumstances warrant it, and may attach conditions to such waiver which shall thereupon be deemed to be conditions attaching to the holding.

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40       This section shall also apply to leases under the Wentworth Irrigation Act and the Hay Irrigation Act, 1902, or any amendments of those Acts in connection with which advances are made under this Act.

Upon

*Returned Soldiers Settlement (Amendment).*

5 Upon forfeiture, the provisions of section two hundred and six, subsection two, of the Crown Lands Consolidation Act, 1913, shall apply, except in the case of a holding within an irrigation area, or under the Wentworth Irrigation Act, or the Hay Irrigation Act, 1902.

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

10 *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, 1919, by a discharged soldier for any holding under the Crown Lands Acts, the Closer Settlement Acts, or this Act, the Minister or, in the case of land within an irrigation area, the Water Conservation and Irrigation Commission may permit withdrawal of the application before or after the confirmation, granting 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 : Withdrawal of applications.

20 Provided that withdrawal shall not be permitted unless applied for before the expiration of twelve months after the confirmation or allowance of the application under the Crown Lands Acts, the Closer Settlement Acts, or this Act, and, in the case of a holding within an irrigation area, within three months after the granting of the holding.

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

14. (1) The Minister may upon application made to him waive the payment of— Waiver of rent and interest.

35 (a) the whole or part of the interest due to the Crown on the balance of purchase money on any purchase under the Crown Lands Acts or on any settlement purchase under the Closer

*Returned Soldiers Settlement (Amendment).*

- 5 Closer Settlement Acts, or on any holding under the Returned Soldiers Settlement Act, 1916, due or payable by a discharged soldier during the time when such soldier was on active service and six months thereafter ;
- (b) 10 the whole or part of the rent due in respect of any homestead selection, lease or license for the aforesaid periods.

10 *Extension of time in which to apply for appraisalment of capital value or rent, and in which to effect improvements in lieu of rent.*

- 15 15. Any holder of a purchase, homestead selection, or lease under the Crown Lands Acts who has been engaged on active service with the naval or military forces of the Commonwealth, or of His Majesty, or any of His Majesty's allies, or has been engaged as a munition worker, shall be entitled,--

- 20 (a) to exercise any right conferred by the Crown Lands Acts to obtain an appraisalment of the capital value of his purchase or homestead selection, or the rent of his lease as the case may be, notwithstanding that the time allowed by the said Acts may have expired : Provided that an application as prescribed
- 25 be made within three years of the date of the return of such holder to New South Wales ;
- 30 (b) in the case of a homestead farm or Crown lease, to reckon the time for effecting improvements in lieu of paying rent, as exclusive of any period of service as aforesaid.

This section shall extend to the legal representative of any such person who has died.

35 *Previous holding of land not to disqualify in certain cases.*

16. 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 obtained

Extension of time for appraisalment, &c.

Previous holding not to disqualify in certain cases.

*Returned Soldiers Settlement (Amendment).*

obtained a title to or held any other land under the Crown Lands Acts or the Closer Settlement Acts or any other Act, if he no longer holds the same.

5 *Payments not required for five years if occupation and use be satisfactory.*

10 17. Where Crown land, other than land within an irrigation area, has been or is acquired by a discharged soldier under section four of the Principal Act it shall not be necessary for any deposit to be lodged or paid, nor for any payment to be made on account of rent for a period of five years from the date of the commencement of the title to the land: Provided that the Minister is satisfied that the land is being properly used and developed, and is bona fide held by a discharged soldier, and that such improvements as he may specify are effected in lieu of such payments. Payments not required for five years if occupation and use be satisfactory.

*Exclusive right of discharged soldiers to bid at auction sales of Crown lands.*

20 18. (1) Where Crown lands are offered for sale by auction in pursuance of the provisions of the Crown Lands Consolidation Act, 1913, the Minister may restrict the sale of the whole or any number of lots offered to discharged soldiers exclusively, and may provide that any purchase by or sale to any person other than a discharged soldier shall be void. Auction sales of Crown lands to discharged soldiers exclusively.

25 (2) The provisions of section ten of this Act shall apply to lands purchased at such auction sales.

30 *Resumption of land for disposal to discharged soldiers or sailors.*

35 19. (1) Where, in the opinion of the Minister, any land could reasonably be used for a better or more productive purpose than that to which it is put, he may notify in the Gazette his intention to direct that an inquiry shall be held as to whether such Resumption of land on the use value for discharged soldiers or sailors.



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*Returned Soldiers Settlement (Amendment).*

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land should be resumed by the Governor for the purpose of the settlement of discharged soldiers or sailors.

5 Subject to the provisions hereinafter contained, no disposition of such land, unless made with the consent of the Minister, shall operate to defeat the exercise of the power of resumption under this Act.

(2) The Minister may require a local land board to inquire and report—

10 (a) whether such land could reasonably be used for a better or more productive purpose than that to which it is put;

(b) whether such land should be resumed for the purposes of this Act;

15 (c) the value of such land recommended for resumption, and the value of the improvements thereon based on the use to which such land has been put for the five years prior to the date of the said notification.

20 Such report shall not have any effect for the purposes of this section unless it is made within six months after the notification referred to in subsection one.

25 (3) Any decision by a local land board under this section shall be subject to appeal to the Land Appeal Court and to reference by the Minister in a like manner as provided by the Crown Lands Acts, and any decision of the Land Appeal Court shall be subject to appeal to the Supreme Court.

30 (4) If the local land board reports that the land could then be and during the preceding five years could reasonably have been used for a better or more productive purpose than that to which it is put, the Governor may resume such land at the value determined in the report.

35 (5) The right of resumption under this section shall cease if it be not exercised within three months after the decision of the local land board, or, in the event of an appeal, within three months after the decision of the Land Appeal Court, or the Supreme Court, or if the matter be not  
40 referred

*Returned Soldiers Settlement (Amendment).*

referred to the board, as hereinbefore provided, within three months from the date of the notification in the Gazette of the intention to direct an inquiry.

5 (6) This section shall only apply where the land—

- (a) is more than three hundred acres in area ; and  
 (b) is of an unimproved capital value of not less than five thousand pounds ; and  
 10 (c) has been held continuously by the same owner for a period of not less than seven years prior to the notification mentioned in subsection one of this section.

20 20. The purchase or resumption of land under this Act shall be effected by notification in the Gazette, and upon such notification being made the land shall vest in His Majesty, and shall be deemed to be Crown lands as defined in the Crown Lands Consolidation Act, 1913, but reserved from sale or lease, except sale or lease under this Act. Upon production of a copy of such notification duly certified under the hand of the Minister, it shall be the duty of the Registrar-General to deal with and give effect to such notification as if it were a memorandum of transfer duly executed under the Real Property Act, 1900.

Purchase or  
resumption  
of land  
affected by  
notification.

*Appraisement of soldiers' holdings.*

30 21. (1) Where a discharged soldier has acquired land from the Crown under the Crown Lands Acts, the Returned Soldiers Settlement Act, 1916 (other than land within an irrigation area), or the Closer Settlement Acts, and considers the price or capital value excessive, he may apply in the prescribed manner to have such price or capital value determined.

Appraise-  
ment of  
soldiers'  
holdings.

35 (2) Any application lodged in pursuance of this section shall be dealt with by a local land board or by a board consisting of not more than three persons who shall be appointed by the Governor ;

*Returned Soldiers Settlement (Amendment).*

Governor; one of such persons shall be appointed chairman, and at least one member shall be a resident of the land district in which the land is situated.

- 5 (3) The board and the chairman thereof shall in any inquiry and determination under this section have respectively the like powers as are conferred on a local land board under section  
10 fourteen of the Crown Lands Consolidation Act, 1913.

*Cost of withdrawal or resumption or of making or providing roads not to be charged to discharged soldiers.*

- 15 22. Notwithstanding the provisions of section one hundred and eighteen, or section one hundred and twenty-four, or section one hundred and thirty of the Crown Lands Consolidation Act, 1913, a  
20 discharged soldier shall not be liable to repay to the Crown—except for improvements—the proportionate cost of resumption or withdrawal mentioned in those sections, or any sum expended by the Crown in making or providing roads to or on the land of which a discharged soldier shall become the holder.

Discharged soldiers not liable for cost of withdrawal, resumption, or of making or providing roads.