



ANNO DECIMO TERTIO

GEORGII V REGIS.

A.D. 1922.

No. 1531.

An Act to Encourage and Assist the Settlement on the Land of Persons who have been awarded the Diploma of the Roseworthy Agricultural College, and for other purposes.

[Assented to, December 21st, 1922.]

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

1. This Act may be cited as the "Agricultural Graduates Land Settlement Act, 1922." Short title.

2. (1) This Act is incorporated with the Crown Lands Act, 1915, and with the Irrigation and Reclaimed Lands Act, 1914, and, so far as regards land settlement, those Acts and this Act shall be read as one Act. Incorporation with Crown Lands Act and other Acts.

(2) This Act is incorporated with the Advances to Settlers on Crown Lands Act, 1914, and, so far as regards advances, that Act and this Act shall be read as one Act.

3. In this Act, unless some other meaning is clearly intended— Interpretation of terms.

"Advances to Settlers Board" means the Advances to Settlers Board under the Advances to Settlers on Crown Lands Act, 1914 : No. 1166 of 1914.

"Agricultural graduate" means any person who is eligible for the benefits of this Act :

"Agricultural graduate settler" means any agricultural graduate who is eligible for an advance under the Advances to Settlers on Crown Lands Act, 1914, whether pursuant to section 7 of this Act or not :

"Land

Agricultural Graduates Land Settlement Act.—1922.

No. 1199 of 1915.

“ Land Board ” means the Land Board under the Crown Lands Act, 1915 :

“ Principal ” means the Principal of the Agricultural College at Roseworthy, or the person for the time being discharging the duties of the office of such Principal.

Persons who are eligible for assistance under this Act.

4. (1) Any person shall be eligible for the benefits of this Act—

(a) who has been awarded the College Diploma of the Roseworthy Agricultural College after the passing of this Act and is, at the time he makes his application, over the age of twenty-one years, or who has been awarded the said College Diploma before the passing of this Act and is over the age of twenty-one years and under the age of thirty years at the time he makes his first application under this Act ; and

(b) who has satisfied the Principal that he has had sufficient experience in the particular pursuit with respect to which his application is made to enable him to engage therein with a reasonable likelihood of success. Such experience may be had either before or after the said College Diploma was awarded.

(2) The Principal shall not make any recommendation under this Act with respect to any applicant or application unless the applicant has satisfied him as mentioned in subdivision (b) of subsection (1) hereof.

Land Settlement.

Terms and conditions of leases and agreements granted to graduates.

5. (1) Subject to subsections (2) and (3) hereof, section 49 of the Crown Lands Act, 1915, shall, unless the Minister otherwise directs, apply to any agreement or any perpetual lease granted to any agricultural graduate.

(2) Section 180 of the Crown Lands Act, 1915, shall, unless the Minister otherwise directs, apply to any agreement under Part X. of that Act granted to any agricultural graduate.

(3) When the land to be comprised in the perpetual lease is situate within an irrigation area, the lease shall be granted under, and subject to the provisions of, the Irrigation and Reclaimed Lands Act, 1914.

Minister may purchase land for individual agricultural graduate.

Cf. 1388, 1919, s. 26.

6. (1) The Minister may, out of moneys provided by Parliament for the purpose, upon application, purchase land of any tenure, including land held under Crown lease or agreement, with a view to the settlement thereon of a particular agricultural graduate : Provided that—

- I. no land shall be so purchased unless the purchase is recommended by the Land Board and by the Principal ; and
- II. the purchase price of the land, together with all improvements, does not exceed the sum of Three Thousand Pounds.

(2) Any

Agricultural Graduates Land Settlement Act.—1922.

(2) Any land so purchased may be vested directly in the agricultural graduate and a mortgage taken by the Minister over the land to secure payment to the Minister of all sums of money paid by him for or in respect of the purchase thereof, together with interest.

(3) If the land so purchased is not dealt with under subsection (2) hereof—

(a) if it is acquired in fee simple, it shall be vested in His Majesty; or

(b) if it is land held under a Crown lease or agreement, such lease or agreement shall be surrendered,

and in either case the Minister may grant to the agricultural graduate an agreement over such land as if such land were a block of land allotted to him by the Land Board under Part X. of the Crown Lands Act, 1915.

(4) Section 180 of the Crown Lands Act, 1915, shall, unless the Minister otherwise directs, apply to any agreement granted pursuant to subsection (3) hereof.

(5) If, after any land has been purchased under this section and before it has been vested in the agricultural graduate or before an agreement over it has been granted to him, the Minister, for any reason which he deems sufficient, considers it inadvisable to settle such agricultural graduate on such land—

(a) the Minister may, on the application of another agricultural graduate and on the recommendation of the Principal, settle such other agricultural graduate on such land, in which case the foregoing provisions of this section shall apply accordingly; otherwise

(b) the land shall (if not already so vested) be vested in His Majesty, and shall be Crown lands, and may be dealt with either as land purchased under section 15 of the Discharged Soldiers Settlement Act Amendment Act, 1918, with a view to the settlement thereon of a discharged soldier, or as a block of land under Part X. of the Crown Lands Act, 1915.

(6) For the purposes of this section, the Principal shall be an additional member of the Land Board, and shall have all the powers and duties of a member of the said Board, but shall not have a vote.

Advances.

7. Notwithstanding anything contained in the Advances to Settlers on Crown Lands Act, 1914, the Advances to Settlers Board may, in its discretion, make advances under that Act to any agricultural graduate who is the owner of any estate of freehold in land.

Advances may be made to agricultural graduates holding freehold land.

8. (1) Notwithstanding

Agricultural Graduates Land Settlement Act.—1922.

Advances to agricultural graduates up to £500 for the purchase of stock and plant.

8. (1) Notwithstanding anything contained in the Advances to Settlers on Crown Lands Act, 1914, the Advances to Settlers Board may, in its discretion, make advances under this Act to any agricultural graduate settler for the purpose of purchasing implements, stock, seeds, plants, trees, and such other things as may be deemed by the Board necessary for the successful occupation and cultivation by the settler of his land.

(2) Advances may be made to any agricultural graduate settler under this section of any amount not exceeding Five Hundred Pounds, but the aggregate amount of any such advances, together with the amount of any advances made to such settler under the Advances to Settlers on Crown Lands Act, 1914, for the stocking of his holding shall not exceed Five Hundred Pounds.

(3) The following provisions shall apply in respect of the repayment of every advance made under this section to any agricultural graduate settler and in respect of the payment of interest on every such advance :—

- I. For the period of three years next following the date on which the advance is made, the settler shall pay to the Board interest on the advance at the fixed rate :
- II. Such interest shall be payable half-yearly, the first payment to be made on the first day of the seventh calendar month commencing next after the advance is made :
- III. If the advance is made by instalments, interest shall be calculated on the actual amounts of the several instalments of such advance from the date when such instalments are respectively advanced :
- IV. After the expiration of the said period of three years the settler shall repay the advance to the Board by twelve equal half-yearly instalments, together with simple interest on the balance of the advance for the time being unpaid at the fixed rate :
- V. The first of such half-yearly instalments shall be paid on the first day of the sixth calendar month commencing next after the day upon which the last payment of interest is to be made under subdivision II. of this subsection :
- VI. When any half-yearly payment required by this section is made within fourteen days next after the day upon which the same is required to be made, a rebate of interest at the rate fixed under section 20 of the Advances to Settlers on Crown Lands Act, 1914, which was in force at the time when the advance was made shall be allowed to the settler :
- VII. Any advance may, at the option of the settler, be repaid at any time sooner than is herein provided, or be repaid in larger instalments.

(4) The

Agricultural Graduates Land Settlement Act.—1922.

(4) The repayment of every advance made under this section to any agricultural graduate settler, together with interest thereon, as provided by subsection (3) hereof, shall be secured, at the discretion of the Advances to Settlers Board, by any one or more of the following means :—

- (a) by a mortgage or mortgages over the settler's interest in the land with respect to which the advance is made or over any other land ; or
- (b) by a bill of sale or other security over the goods or chattels purchased out of the advance or over any other goods or chattels ; or
- (c) by any other security which the Board thinks sufficient.

9. (1) Notwithstanding anything contained in the Advances to Settlers on Crown Lands Act, 1914, where any agricultural graduate settler's land is uncleared mallee country, the Advances to Settlers Board may, in its discretion, and in addition to any other advances to the settler under this Act, make advances to him of any amount not exceeding One Pound for every One Pound in value of the permanent improvements made by him on his land up to the value of One Thousand Pounds, whether such improvements have been made by means of advances already received by him or not.

Advances up to £1,000 for permanent improvements in mallee country.

(2) For the purposes of this section—

- (a) the Minister's declaration that any land is or is not or was or was not uncleared mallee country shall be conclusive ; and
- (b) permanent improvements include ringbarking, clearing (including rolling or logging down and burning), grubbing, fencing, draining, erecting or making permanent water improvements (such as dams, wells, tanks, watercourses, windmills, and the like), boring for water, erecting permanent buildings, and such other improvements as are prescribed.

10. (1) No advance shall be made to any agricultural graduate settler under or pursuant to this Act unless the making of such advance is recommended by the Principal.

Advances to agricultural graduate settlers to be approved by Principal.

(2) Any such recommendation by the Principal may recommend the making of such advances generally to the agricultural graduate settler, or may recommend the making of such an advance or such advances to him only for a specified purpose or purposes or not exceeding a specified amount.

(3) Any advance made to any agricultural graduate settler under or pursuant to this Act shall be made in accordance with the recommendation of the Principal.

11. The

Agricultural Graduates Land Settlement Act.—1922.

Limitation on assistance under this Act.

11. The total amount of the moneys expended under section 6 with a view to the settlement of an agricultural graduate and of the moneys advanced to him under or pursuant to the other provisions of this Act shall in no case exceed Three Thousand Pounds.

Advances under this Act to be in addition to advances under Advances to Settlers Act.

12. Subject to subsection (2) of section 8, nothing in this Act contained nor the making of any advance under this Act to any agricultural graduate settler shall in any way prohibit, interfere with, or affect the making of any advance to the settler under the Advances to Settlers on Crown Lands Act, 1914.

Operation of Advances to Settlers Act.

13. For the purposes of the Advances to Settlers on Crown Lands Act, 1914, any agricultural graduate who is the owner of any estate of freehold in land, and to whom an advance is made under that Act or this Act, shall be deemed to be a settler, and the land with respect to which the advance is made shall be deemed to be his holding.

Advances to Settlers Act to apply to advances under this Act.

14. Subject to the foregoing provisions of this Act, all the provisions of the Advances to Settlers on Crown Lands Act, 1914, shall apply to and in respect of any advance made or moneys advanced under this Act as if such advance were an advance made under that Act, or as if such moneys were moneys advanced under that Act.

Whilst advance not repaid agricultural graduate not to give lien over crop without consent.

15. (1) No agricultural graduate settler to whom any advance has been made under or pursuant to this Act shall, whilst any such advance remains unpaid, or whilst any money remains due and owing to the Advances to Settlers Board in respect thereof, grant to any person or body other than the Board any bill of sale, lien, or other security over any crop on the land with respect to which the advance was made, without first obtaining the consent in writing of the Minister to the granting thereof.

(2) Any such bill of sale, lien, or other security granted in contravention of the provisions of subsection (1) hereof shall, as against the Advances to Settlers Board and the Crown, be wholly illegal and void.

General Provisions.

Regulations.

16. The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed, for the purpose of more effectually carrying out any of the provisions of this Act or for better effecting the objects of this Act.

Operation of this Act within irrigation areas.

17. (1) In this Act, so far as it in its application concerns or affects any land situated in any irrigation area within the meaning of the Irrigation Act, 1922—

- (a) every reference to the Advances to Settlers on Crown Lands Act, 1914, or to any provision thereof, shall be read and construed as a reference to the Irrigation Act, 1922, and to the corresponding provision thereof; (b) every

Agricultural Graduates Land Settlement Act.—1922.

- (b) every reference to the Advances to Settlers Board shall be read and construed as a reference to the Irrigation Commission constituted by the Irrigation Act, 1922; and
- (c) every reference to a settler and his holding within the meaning of the Advances to Settlers on Crown Lands Act, 1914, shall be read and construed as a reference to a lessee and the land comprised in his lease respectively within the meaning of the Irrigation Act, 1922.

(2) This section shall come into operation upon the commencement of the Irrigation Act, 1922, but not till then.

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

TOM BRIDGES, Governor.