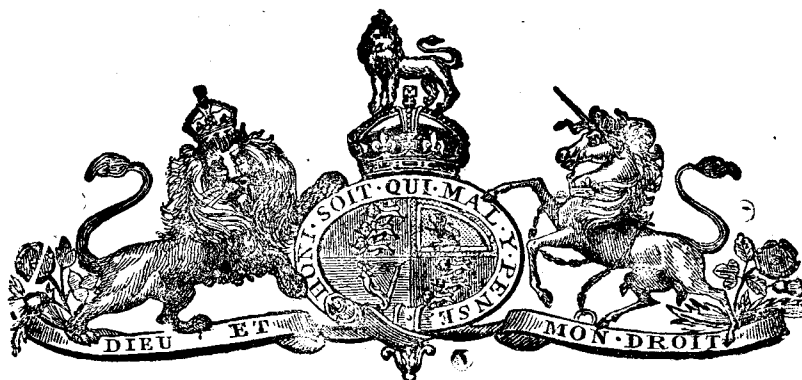


RETURNED SOLDIERS SETTLEMENT ACT, 1916.

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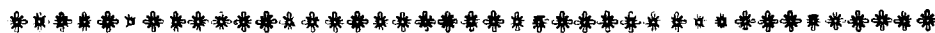


1916.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 20.



AN ACT to make Provision for the Settlement of Returned Soldiers on Crown and Settlement Lands, to amend "The Closer Settlement Act, 1913," and for other purposes.

A.D.
1916.

[23 December, 1916.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as "The Returned Soldiers Settlement Act, 1916," and shall come into operation on a date to be fixed by the Governor by Proclamation. Short title and commencement.

(2) This Act is divided into Parts as follows:—

Part I.—Settlement of Returned Soldiers.

Part II.—Amendments of "The Closer Settlement Act, 1913."

Returned Soldiers Settlement.

A.D. 1916.

PART I.

SETTLEMENT OF RETURNED SOLDIERS.

Preliminary.

Interpretation.

"Board."

"Discharged
soldier."
Cf. No. 21, 1916,
s. 2, N.S.W.

2—(1) In this Part, unless the context otherwise requires—

"Board" means the Closer Settlements Board established under
"The Closer Settlement Act, 1913":

"Discharged soldier" means any person who—

- i. Has been a member of the Australian Imperial Forces, or of any other naval or military force raised in the Commonwealth of Australia by the Minister of Defence for service in the war in which His Majesty is at present engaged, or, though a resident of the Commonwealth, has joined the naval or military force of the United Kingdom during the said war; and
- ii. Has served outside the Commonwealth in connection with the said war; and
- iii. Has returned to this State, and who has received his discharge from service, or whose appointment to any such force has been terminated, either before or after his return to the State.

The expression includes any person who—

- (a) Has been a member of the naval or military force of the United Kingdom; and
- (b) Has received his discharge from service, or whose appointment to any such force has been terminated before his arrival in this State; and
- (c) Has come to this State to farm, cultivate, or settle upon land pursuant to an arrangement for the purpose entered into between the Governor-in-Council and the Imperial Government.

Provided that the foregoing definition shall not include any person whose discharge from service was due to misconduct or incapacity resulting from his own default:

"Minister."

"Minister" means the Minister for Lands and Works for the time being:

"Part."

"Part" means Part of this Act, and includes any regulations made under this part:

"President."

"President" means the President for the time being of the Board as defined by this section, and includes an Acting-President.

"Section."

"Section" means section of this Act:

"Settlement land."

"Settlement land" means land acquired under "The Closer Settlement Act, 1913," and not disposed of.

4 Geo V. No. 39.

(2) Unless the context necessarily requires a different meaning, expressions defined in "The Closer Settlement Act, 1913," or "The Crown Lands Act, 1911," shall have the same meaning in this Act,

Returned Soldiers Settlement.

A.D. 1916.

Administration.

3 Subject to the provisions of this Part, the provisions of this Part shall, under the Minister, be administered by the Board and the President, and such administration shall form part of the duties of the Board and President: Provided that the Minister may assign to the Board and the President their respective duties in regard to such administration.

Administration of this Part.

4—(1) From and after the commencement of this Act the provisions of Subsection (6) of Section Five of "The Closer Settlement Act, 1913," shall not apply to the member of the Board who is the President, and the President shall as from the lastmentioned date be paid by way of remuneration (including all allowances other than travelling expenses) for his services under "The Closer Settlement Act, 1913," and under this Part a salary at the rate of Five hundred Pounds per annum.

President to be paid a salary of £500, payable out of Closer Settlements Fund and Returned Soldiers Settlement Fund in equal shares. Modification of 4 Geo. V. No. 39, s. 5 (6).

One half of such salary shall be charged upon and payable out of the Closer Settlements Fund, and the other half thereof shall be charged upon and payable out of the Returned Soldiers Settlement Fund, and the said Funds are hereby accordingly appropriated for the purpose.

(2) The Governor shall determine the mode and rate of remuneration and allowances of each member of the Board, other than the President, for his services under this Part, and such remuneration and allowances shall be a charge upon and payable out of the Returned Soldiers Settlement Fund, which is hereby appropriated for that purpose.

Payment to other members of Board.

No such member shall be entitled to receive or be paid in any One financial year for remuneration and allowances, excluding travelling expenses, for his services under this Part and under "The Closer Settlement Act, 1913," more than the sum mentioned in Paragraph ii. of Subsection (6) of Section Five of the lastmentioned Act.

Acquisition of Land.

5—(1) For the purposes of this Part the Minister may on the recommendation of the Board in the manner provided by Parts III. and IV. of "The Closer Settlement Act, 1913," as modified by this Part—

Power for Minister to acquire land for purposes of this Part. Parts III. and IV., with certain exceptions, to be incorporated subject to modifications. Cf. No. 39, 1913, s. 7, Tas.

- i. Purchase by agreement and acquire for the Crown private land in any part of the State:
- ii. Compulsorily acquire and take for the Crown private land in any part of the State—

and all land so acquired and taken shall thereupon become Crown land as if the same had never at any time been alienated from the Crown, and shall be subject to this Part.

(2) For the purpose of acquiring land under this Part, providing the necessary funds for the purposes of this Part, dealing with claims for compensation, and generally for effectuating the purposes of this Part, the provisions of Parts III. and IV. of "The Closer Settlement Act,

Returned Soldiers Settlement.

A.D. 1916.

1913," as amended by Part II. of this Act (except Sections Seven, Sixteen, and Thirty-two, and Subsections (1) and (2) of Section Twenty-five of "The Closer Settlement Act, 1913"), shall apply and be deemed to be incorporated with this Part, subject however to such modifications as may be prescribed, and to the following modifications:—

- I. For the words "this Act" substitute "this Part":
- II. For the words "for the purposes of closer settlement" substitute the words "for the purposes of this Part":
- III. Omit from Section Ten of the said Act the words "there is a legitimate demand by desirable applicants for land for the purpose of closer settlement and that":
- IV. For the expression "Closer Settlements Fund" substitute the expression "Returned Soldiers Settlement Fund":
- V. Omit from Section Seventeen of the said Act the words "Twelve thousand Pounds," and substitute the words "Six thousand Pounds":
- VI. Omit from Subsection (1) of Section Nineteen the words "Twelve thousand Pounds," and substitute the words "Six thousand Pounds"; and omit from the said Subsection the words "Five thousand Pounds" wherever occurring, and substitute therefor the words "Two thousand five hundred Pounds."

Power to Raise Money.

Treasurer may
raise moneys.
Cf. *Ibid.*, Tas.,
s. 25

6 (1)—For the purpose of providing funds for the acquisition of land under this Part, and also for the several purposes of this Part, the Treasurer, upon being authorised by the Governor so to do, is hereby empowered to raise by way of loan, in Tasmania or elsewhere, any sum or sums of money not exceeding in the whole One hundred and fifty thousand Pounds as he thinks fit.

(2)—Any moneys authorised by this Part to be borrowed or raised may be borrowed or raised by the issue of debentures or inscribed stock as provided by the provisions of "The Closer Settlement Act, 1913," incorporated herewith by Section Five of this Part.

(3)—It shall be lawful for any society, trustees, or other persons having control of a war fund to invest any moneys belonging to such fund in debentures or inscribed stock issued by the said Treasurer for the purpose of raising any moneys under this section: Provided that nothing in this subsection shall be so construed as to limit or restrict the powers of any such society, trustees, or persons with respect to the investment of moneys belonging to a war fund.

Returned Soldiers Settlement Fund.

Returned Soldiers
Settlement Fund.
Cf. *Ibid.*, Tas.,
32.

7—(1) All moneys raised or received under this Part shall be paid into the Treasury, and be placed to the credit of an account to be there kept for such purpose, to be called "The Returned Soldiers Settlement Fund."

Returned Soldiers Settlement.

(2) The said fund shall and may, subject to the provisions of this Part, be applied to— A.D. 1916.

- i. The payment of the costs and expenses incurred in raising the aforesaid moneys:
- ii. The redemption of debentures and stock and the payment of interest thereon:
- iii. The payment of the price of, or compensation for, private land acquired under this Act; and also all costs incidental to the acquiring and disposal of any such land:
- iv. The survey, subdivision, clearing, draining, fencing, or improving of such land, or the making or improving of roads or access thereto:
- v. The payment of the costs and expenses of administering this Part, including any losses and working expenses:
- vi. The payment of One-half of the salary of the President, the payment of his reasonable travelling expenses incurred for the purposes of this Part, and the payment, remuneration, and allowances of the other members of the Board for services under this Part, and for any valuation fees for the purposes of this Part:
- vii. The erection of buildings at a cost not exceeding Three hundred Pounds in respect of each allotment disposed of under this Part:
- viii. The making of advances to discharged soldiers to whom land is disposed of under this Part.

(3) The total amount to be expended for private lands acquired under this Part shall not exceed Five-sixths of the sums provided for in Section Six of this Act.

SPECIAL SETTLEMENTS FOR OCCUPATION BY DISCHARGED SOLDIERS.

Ordinary Tenures.

8—(1) The Governor may from time to time, by Proclamation, set apart any area or areas of Crown land or of settlement land to be disposed of under "The Crown Lands Act, 1911," or "The Closer Settlement Act, 1913," to discharged soldiers exclusively; and the Governor may, by regulations, alter or modify the provisions of such Acts so far as they relate to any land so set apart.

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

Special Tenures.

9—(1) Land acquired for the purposes of this Act may be disposed of by way of sale or lease to discharged soldiers in the manner herein-after provided.

Crown or settlement land may be set apart for selection by discharged soldiers in manner prescribed by "Crown Lands Act" or "Closer Settlement Act."

Cf. No. 45, 1915, s. 3, N.Z.

Cf. *Ibid.*, N.S.W., s. 3.

Special provisions for settlement of discharged

Returned Soldiers Settlement.

A.D. 1916.

soldiers on
acquired land or
Crown or settle-
ment land.

Cf. *Ibid.*, s. 4,
N.Z.

Cf. *Ibid.*, s. 4,
N.S.W.

(2) In addition to the powers conferred by the last preceding section, the Governor may from time to time, by Proclamation, set apart any area or areas of Crown land or of settlement land to be disposed of, by way of sale or lease, to discharged soldiers, in the manner hereinafter provided: Any such proclamation may by a like proclamation be amended, varied, or revoked.

(3) The land so acquired or set apart shall be subdivided into such allotments, and disposed of at such prices, capital values, or rents, and subject to such conditions as the President, with the approval of the Minister, determines.

(4) Applications for allotments under this section shall be addressed to the President, and shall contain particulars as to the following matters:—

- i. The name, address, and occupation of the applicant, and his occupation prior to becoming a member of any such force as mentioned in Section Two:
- ii. His service in the force of which he was a member, specifying—
 - (a) The name of such force:
 - (b) The period of his service, and the date of his discharge:
 - (c) The reason of his discharge: and
 - (d) Particulars as to any physical disability caused by wounds or disease resulting from his service:
- iii. The allotment or allotments for which application is made:
- iv. The purpose for which the applicant proposes to use the land:
- v. The experience of the applicant in the business for which he proposes to use the land, or in any other class of farming or cultivating land:
- vi. The amount of capital available for expenditure by the applicant in connection with the land:
- vii. The nature and estimated amount of assistance, if any, that the applicant will require to enable him to work the land successfully: and
- viii. Such other particulars as may be required.

(5) An applicant shall not be required to forward any sum of money as a deposit or otherwise, with his application.

(6) Where land is disposed of by way of lease to a discharged soldier, no rent shall be payable by him therefor in respect of at least the First year of the term granted by the lease.

(7) Where land is disposed of by way of sale or lease to a discharged soldier, no rates or taxes (whether Government, local, or otherwise), made or levied within the period of Four years from the date of sale to him or the commencement of his lease, shall be payable by him in respect of such land.

(8) All applications shall be dealt with by the President, and it shall be the duty of the President in dealing with such applications, as far as practicable to assist applicants in acquiring allotments suitable to their experience, capital, and physical fitness.

Returned Soldiers Settlement.

(9) Except as may be otherwise provided by this Part or by regulations under this Part, the provisions of "The Crown Lands Act, 1911," or "The Closer Settlement Act, 1913," or of any other Act relating to the administration of Crown or settlement land, shall not apply to lands disposed of under this section. A.D. 1916.

Regulations.

10 For the purpose of giving effect to the last preceding section, and generally for the purposes of this Part, the Governor may from time to time, by Order in Council gazetted, make regulations for all or any of the purposes mentioned in Sections Seventy-five and Seventy-six of "The Closer Settlement Act, 1913," and also for all or any of the following purposes, namely, prescribing—

- i. With respect to any land, whether it shall be disposed of by way of sale or by way of lease :
- ii. In the case of land to be disposed of by way of sale, the terms and conditions of such sale, including conditions relating to the payment of the purchase-money :
- iii. In the case of lands to be disposed of by way of lease, the conditions of such lease, including provisions as to—
 - (a) The form or forms of leases :
 - (b) The term or terms for which leases may be granted :
 - (c) The acquisition of the fee-simple by lessees :
 - (d) Improvements to be effected by lessees :
 - (e) Residence of lessees on the land :
 - (f) The method of computing the rent to be paid by lessees, and the due dates for payment of such rent : and
 - (g) The transfer, surrender, and forfeiture of leases :
- iv. The application of any of the provisions of "The Crown Lands Act, 1911," or of "The Closer Settlement Act, 1913," or of any other Act relating to the administration of Crown or settlement land with such modifications (if any) as the Governor may determine—to lands disposed of under Section Nine hereof :
- v. Such other matters as in the opinion of the Governor may be necessary or expedient for the purpose of giving full effect to the provisions of this Act.

Regulations.
Cf. *Ibid.*, s. 5,
N.Z.
Cf. *Ibid.*, s. 6,
N.S.W.

Grant of Land.

11—(1) Notwithstanding anything contained in "The Crown Lands Act, 1911," any discharged soldier to whom the qualification certificate hereinafter mentioned has been issued, shall be deemed eligible to select and may select under that Act from any rural land as defined by that Act, available for selection in any locality approved by the Commissioner of Crown Lands, One lot of First-class land not exceeding One hundred acres, or in lieu thereof its equivalent in value of Second or Third class land, and upon which the survey fee shall be paid out of moneys provided by Section Six of this Act

Application for
land under "The
Crown Lands
Act, 1911."

Returnee Soldiers Settlement.

A.D. 1916.

(2) Any such discharged soldier desiring to select land under this section for the purpose of carrying on thereon a business or undertaking for which land is required, shall, in the first instance, apply to the President for a certificate (called in this Act a qualification certificate) as to whether such discharged soldier has sufficient experience in, or aptitude for, the business or undertaking for which he proposes to use the land.

(3) No such selector to whom any such land is allotted upon selection, shall be liable to pay any price in respect thereof, but he shall comply with and be liable to, the provisions and conditions of "The Crown Lands Act, 1911," respecting the occupation of the said land, and the effecting of improvements in respect thereof, provided that such occupation shall be by the discharged soldier, or by some member of his family. Every such soldier shall also comply with such other conditions as may be prescribed.

(4) Except as to payment of price and survey fee, the provisions of "The Crown Lands Act, 1911," with such alterations or modifications as the Governor may by regulations prescribe, shall apply in the case of any such selector as if he were a purchaser of such land under that Act.

(5) No selector to whom land is allotted pursuant to this section shall, unless he complies with the regulations and the provisions and conditions of "The Crown Lands Act, 1911," respecting the occupation thereof as provided by this Act, and the effecting of improvements in respect of the same to the satisfaction of the Commissioner of Crown Lands, be entitled to or receive a grant of the fee simple thereof.

(6) Subject to the Regulations the Commissioner of Crown Lands may remit any amount not exceeding One hundred Pounds, which may be owing or unpaid to the Crown in respect of land held under purchase from the Crown on the credit system by any discharged soldier upon application being made as prescribed; and upon any such remission being made the right (if any) of such discharged soldier to select land under the foregoing provisions of this section shall be deemed to have been exercised to the extent of the remission so made.

Proviso.

(7) In this section "discharged soldier" means only a discharged soldier as defined by paragraphs I., II., and III. and the proviso, of the definition "discharged soldier" set forth in Section Two of this Act, who prior to his becoming a discharged soldier resided in this State for at least Two years.

(8) No application for a qualification certificate or for remission of purchase-money shall be made after the expiration of Two years from the termination of the war.

(9) Subject to the Regulations, the Commissioner of Crown Lands, with the approval of the Governor, and upon application as prescribed, may remit any amount, not exceeding One hundred Pounds, which may be owing or unpaid to the Crown in respect of land held under purchase from the Crown on the credit system by any purchaser who during the present war dies on active service, or within one year after its termination dies as a result of injuries received, or disease contracted, on active service with the military or naval forces of the Commonwealth

Returned Soldiers Settlement.

or any part of the King's Dominions, and whose interest in the said land has devolved or passed at his death upon or to persons who then were his dependents. A.D. 1916.

For the purposes of this subsection "dependents" means the widow, mother, children, ex-nuptial children, father, brother, or sister of such purchaser upon credit who at the time of his death were wholly or in part dependent upon his earnings.

FINANCIAL AND OTHER ASSISTANCE TO SETTLERS UNDER THIS PART.

12—(1) In considering applications under this Part the President shall take into consideration, either with or without special application, the advisability of assisting applicants with respect to any of the following matters:—

- I. The clearing, fencing, (including wire and wire-netting), draining, irrigating, and general improvement of lands disposed of under this Act:
- II. The erection of buildings at a cost not exceeding Three hundred Pounds on any such land: and
- III. The purchase of implements, stock, seeds, plants, trees, and such other things as may be deemed necessary to satisfactorily occupy and develop the land.

(2) If in the opinion of the President it is desirable that assistance should be given to the applicant with respect to any or all of the foregoing matters, he shall make a recommendation to that effect to the Minister, and shall set out in the recommendation the nature and extent of the assistance recommended, and the grounds of the recommendation. On receipt of any such recommendation the Minister may take such action thereon in accordance with regulations under this Part as he thinks fit.

(3) All moneys advanced or expended by the Minister under the authority of this section in respect of any land shall bear interest at such rate as may be determined by the Minister, and shall be secured by way of a First mortgage over the said land or over the settler's interest in the said land:

Provided that the Minister, on the recommendation of the President, may, if he thinks fit, in any case of hardship, dispense, either wholly or in part, with the payment of interest under this section.

(4) The power conferred on the President and the Minister by this section shall extend and apply so as to enable assistance under this section to be given to any discharged soldier who may be, or may hereafter become, a purchaser upon credit of any Crown land, or a selector of Crown land pursuant to Section Eleven of this Act, or a lessee of any settlement land or land leased under "The Closer Settlement Act, 1913," and acquired by the purchaser or lessee otherwise than pursuant to Section Nine of this Act.

13 The Minister, on the recommendation of the President, may remit wholly or in part, and in respect of such period or periods as he thinks fit, any rent payable by a discharged soldier under a lease issued

Minister may assist settlers with respect to erection of buildings, purchase of stock, &c.
Cf. *Ibid.*, s. 6, N.Z.
Cf. *Ibid.*, s. 7, N.S.W.

Remission of rent.
Cf. N.Z., s. 7.
Cf. N.S.W., s. 8.

Returned Soldiers Settlement

A.D. 1916.

pursuant to this Part or "The Closer Settlement Act, 1913," or may postpone the payment of any such rent, and he may likewise postpone the payment of any instalment of purchase money payable by a discharged soldier.

Money may be expended in preparing areas prior to application.
Cf., N.S.W., s. 9 (2).

14 The Minister may expend moneys in effecting improvements on or otherwise preparing areas of land prior to their being set apart or made available for application by discharged soldiers, and the moneys so expended shall bear interest at the rate and be secured in the manner provided by Subsection (3) of Section Twelve, unless the Governor by Order-in-Council otherwise provides.

General.

Expenses of administration.
Cf., N.Z., s. 9.
Cf., N.S.W., s. 9.

15—(1) All moneys accruing from the sale or leasing of land acquired under this Part, and all moneys received by way of interest on or by way of repayment of moneys advanced or expended on behalf of any settler pursuant to Section Twelve hereof, shall be paid into The Returned Soldiers Settlement Fund.

(2) All moneys accruing from the sale or leasing of Crown land or settlement land set apart under Subsection (2) of Section Nine shall be disposed of as if they had accrued from the sale or leasing of Crown land under "The Crown Lands Act, 1911," or of settlement land under "The Closer Settlement Act, 1913," as the case may require.

Moneys payable out of the fund.

16 Except where otherwise provided in this Part, all moneys payable under this Part shall be paid out of The Returned Soldiers Settlement Fund without further appropriation than this Act.

Restriction on right of transfer.
Cf., *Ibid.*, N.Z., s. 11.
Ibid., N.S.W., s. 10.

17 No land leased or sold to a discharged soldier under this Act shall except on the recommendation of the President and with the consent of the Minister, be capable of being transferred until the expiry of Ten years from the date of the commencement of the lease or the date of the sale.

Minister may require new valuation to be made of lands set apart under this Act.
Cf., *Ibid.*, N.Z., s. 12.

18 The Chief Valuer shall, on the request of the Minister, cause a special valuation to be made of any land set apart for the purposes of this Part under Section Eight or Section Nine hereof, and the value of the land as so determined shall for all purposes supersede any former valuation of the land, notwithstanding anything contained in any Act to the contrary.

Incorporation with this Part of certain sections of 4 Geo. V. No. 39.

19 The provisions of Sections Fifty-nine, Seventy-two, Seventy-three, Seventy-four, Seventy-eight, and Seventy-nine of "The Closer Settlement Act, 1913," shall be deemed to be incorporated with this Part, with the substitution of the words "this Part" for the words "this Act" wherever occurring, and such provisions shall accordingly be applicable for the purposes of this Part.

Returned Soldiers Settlement.

20—(1) The Minister shall as early as possible after the end of each financial year cause to be prepared a report, showing for the previous financial year—

- I. The aggregate areas of land acquired or set apart under this Part :
- II. The number of applications received for such land, and the number of allotments and the aggregate area disposed of by way of sale and by way of lease respectively :
- III. The amount expended in assisting settlers under this Part : and
- IV. Such other particulars as may be prescribed.

(2) Every such report shall be laid before Parliament within Thirty days after the receipt thereof by the Minister if Parliament is then in session, and if not, then within Thirty days after the commencement of the next ensuing session.

A.D. 1916.
Annual report.
Cf., *Ibid.*, N.Z.,
s. 14.
Cf., *Ibid.*, N.S.W.,
s. 11.

PART II.

AMENDMENTS OF "THE CLOSER SETTLEMENT ACT, 1913."

21 In this Part of this Act "the said Act" means "The Closer Settlement Act, 1913." Interpretation :
"The said Act."

22 The word "President" shall be substituted for the word "Chairman" wherever the word "Chairman" occurs throughout the said Act, or any regulations made thereunder. Substituting
"President" for
"Chairman."

The person holding the office of Chairman at the commencement of this Act shall be deemed to have been appointed President of the Closer Settlements Board.

23 The Minister may assign to the President the performance of any of the duties of the Closer Settlements Board under the said Act or the regulations made thereunder, which the Minister considers are of such a nature that the President should perform the same on behalf of the Board without calling a meeting of the Board. Power to Minister
to assign to
President certain
duties of Board.

24 The said Act is hereby further amended as follows :— Further amend-
ments of the said
Act.

- I. As to Section Fifty-one, by omitting from the First line thereof the word "Board" and substituting therefor the word "President" :
- II. As to Section Fifty-two, by substituting the word "President" for the word "Board" wherever the word "Board" occurs throughout the section :
- III. As to Section Fifty-eight, by substituting the word "Minister" for the word "Board" wherever the word "Board" occurs throughout the section.
- IV. As to Sections Sixty-one, Sixty-two, Sixty-three, and Sixty-six, by substituting the word "President" for the word "Board" wherever the word "Board" occurs throughout each of such sections.

Returned Soldiers Settlement.

A.D. 1916.

- v. As to Section Sixty-eight—
- (a) By omitting the word “ Board ” from Paragraph i. of Subsection (1) thereof and substituting therefor the word “ President ” :
 - (b) By omitting the word “ Board ” from Paragraph iii. of Subsection (1) thereof and substituting therefor the word “ Minister ” :
- vi. As to Section Seventy-five, by inserting after Paragraph vi. the following paragraph :—
- “ vi. A. Regulating the duties of the Board and the President, and the mode in which such duties shall be performed.”