

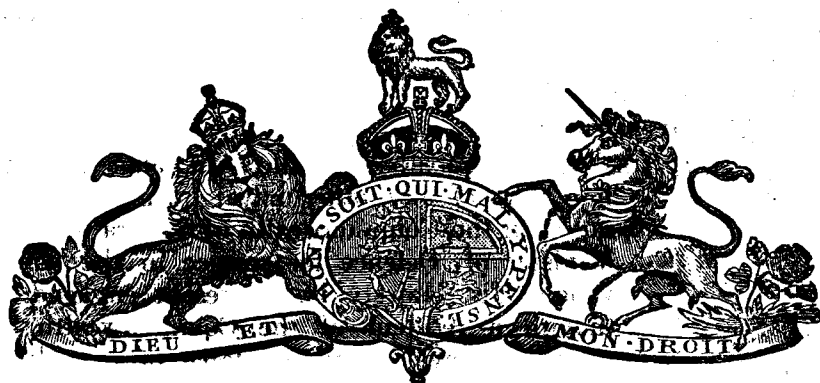
THE RETURNED SOLDIERS' SETTLEMENT AMENDMENT ACT, 1917.

ANALYSIS.

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8d.]

TASMANIA



1917.

ANNO OCTAVO

GEORGH V. REGIS.

No. 26.



AN ACT to amend "The Returned Soldiers' Settlement Act, 1916," and for other purposes. A.D. 1917.
[8 December, 1917.]

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. This Act may be cited as "The Returned Soldiers' Settlement Amendment Act, 1917," and shall be incorporated and read as one with "The Returned Soldiers' Settlement Act, 1916," hereinafter called the Principal Act.

Short-title and
incorporation
with 7 Geo. V.
No. 20.

Returned Soldiers' Settlement Amendment.

A.D. 1917.

Amendment of
Section 2 of
Principal Act."Discharged
soldier."Cf. No. 21, 1916,
s. 2 N.S.W.

2 Section Two of the Principal Act is hereby amended by omitting therefrom the definition "Discharged soldier," and substituting therefor the following definition:—

"Discharged soldier" means—

i. Any person who—

(a) 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

(b) Has served outside the Commonwealth in connection with the said war; and

(c) 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:

ii. Any person, being or having been a resident in Tasmania, to whom the foregoing provisions of subdivision (a) of paragraph i. are applicable, but who the President finds, with the approval of the Minister, was unable to serve outside the Commonwealth, as aforesaid, through circumstances not within his own control, and not through misconduct or incapacity resulting from his own default:

iii. 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 of "discharged soldier" shall not include any person whose discharge from service was due to misconduct or incapacity resulting from his own default.

Amendment of
Section 7 of
Principal Act.

3 Subsection (2) of Section Seven of the Principal Act is hereby amended—

i. As to Subdivision iv. by inserting at the end thereof the words "and also the survey of land allotted upon selection pursuant to Section Eleven":

ii. As to Subdivision viii., by omitting therefrom the words "to whom land is disposed of":

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III. By inserting at the end of the subsection the following Sub-division IX, :— A.D. 1917.

“IX. Making transfers from time to time on the certificate of the President from the said fund—

(a) To the Consolidated Revenue of amounts equal to all payments of principal or rent received for Crown land (not being settlement land) which has never been private land, and which has been disposed of by way of sale or lease, pursuant to this Part ;

(b) To the Consolidated Revenue of amounts equal to all remissions by the Minister under Section Thirteen of rent payable under leases of Crown land (not being settlement land) issued pursuant to this Part ;

(c) To the Closer Settlements Fund of amounts equal to all payments of principal or rent received for settlement land set apart under Subsection (2) of Section Nine, and which has been disposed of by way of sale or lease pursuant to this Part ;

(d) To the Closer Settlements Fund of amounts equal to all remissions by the Minister under Section Thirteen of rent payable under leases of settlement land issued pursuant to this Part or ‘The Closer Settlement Act, 1913.’ ”

4 Subsection (7) of Section Eleven of the Principal Act is hereby amended by omitting therefrom the words and figures “ paragraphs I., II., and III.,” occurring in the Second line of the subsection, and substituting therefor the words and figures “ paragraphs I. and II.” Amendment of Section 9 of Principal Act.

5 Section Twelve of the Principal Act is hereby amended— Amendment of Section 12 of Principal Act.

I. As to Subsection (1) by inserting after the word “ stock,” occurring in paragraph III. of the subsection, the words (“ including pigs and poultry ”) :

II. By omitting the first Five lines of Subsection (3) thereof, and substituting therefor the following :—

“ (3.) All moneys advanced or expended under the authority of this section shall, subject to this Part, bear interest at such rate as may be determined by the Minister :”

III. As to Subsection (4) thereof by inserting the words “ the owner in fee simple of a farm or ” immediately after the word “ become,” occurring in the Fourth line of the subsection :

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Moneys advanced under this Part, and interest (if any), to be repaid as prescribed.

6 After Section Twelve of the Principal Act the following sections are hereby inserted :—

“**12a**—(1) Moneys advanced under this Part with interest thereon (if any) at a rate determined by the Minister—

- i. Shall be repaid at the prescribed times and in the prescribed manner ;
- ii. Shall, until repaid, be and remain a charge on the land ; and
- iii. May as the case requires, and if the President thinks fit, be further secured by a hire-purchase agreement under which any materials, implements, stock (including pigs and poultry), and other things, the subject thereof, remain the property of the Crown until the said moneys, with interest thereon as aforesaid, are repaid.

Hire-purchase agreement.

(2) Any such hire-purchase agreement shall be entered into with the Minister, who shall be therein described by the name of “The Minister for Lands and Works for the time being,” without otherwise naming him, and every such agreement shall be valid and effectual notwithstanding any change in the person who is the Minister, and shall be deemed to be made with the Minister for Lands and Works for the time being.

Materials, implements, &c., supplied under Act to remain property of Crown until paid for, unless President consents, &c.

“**12b**—(1) Any materials, implements, stock, or other things which are supplied to a discharged soldier by the Minister under this Act, or are the subject of a hire-purchase agreement under this Act, shall, unless the President consents, in writing, to discharge or release the claim of the Crown thereon or thereto, be and remain the property of the Crown until—

- i. The sum represented by the value of all materials, implements, stock, or other things so supplied : or
- ii. (As the case may be) any advances secured by such hire-purchase agreement—

together with interest (if any) has been repaid.

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

(3) In this section ‘stock’ includes pigs and poultry.”

Repeal and re-enactment of Section 13 of Principal Act.
Remission of rent.
Cf., N.Z., s. 7.
Cf., N.S.W., s. 8.

7 Section Thirteen of the Principal Act is hereby repealed, and the following substituted therefor :—

“**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, or any dependents of such soldier, rightfully claiming under him under a lease issued 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, or any dependents of such soldier rightfully claiming under him.

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In this section 'dependents' of a discharged soldier has the meaning assigned to the expression by Subsection Nine of Section Eleven of this Act." A.D. 1917.

8 After Section Thirteen of the Principal Act the following section is inserted:—

"13a—(1) In this section 'dependents' has the meaning assigned thereto by Sub-section Nine of Section Eleven of this Act. Provision for dependents of deceased soldier.

(2) Such One dependent or Two or more dependents jointly, as the President recommends, of any deceased person who was resident in this State and served in the present war as an officer or member of His Majesty's Naval or Military Forces, or of the Naval or Military Forces of the Commonwealth may, if the Minister in his discretion approves, be granted all or any of the benefits, advantages, or assistance under this Act which such deceased person would have been entitled to under this Act if he had lived and returned to this State.

Provided that—

- i. No application shall be entertained unless made as prescribed before the expiration of Two years from the termination of the present war;
- ii. This section shall not apply to any dependent of any such deceased person if before his death his appointment was terminated, or he was discharged from service owing to misconduct or incapacity resulting from his own default.

(3) One hundred Pounds and no more shall be the total benefit which may be taken under or by virtue of Section Eleven by the dependents of any such deceased person, whether by way of grant or remission or grant and remission of purchase money: Provided that if such deceased person shall have taken any benefit under the said section during his lifetime the said total shall be reduced by the value of the benefit so taken by him."

9 After Section Fourteen of the Principal Act the following section is inserted:—

"14a—(1) Notwithstanding anything to the contrary contained in this Act, the Minister, on the recommendation of the President, may from time to time reserve for township purposes any part not exceeding One hundred acres in area of any land (whether private or Crown land), acquired or set apart for the purposes of this Part, and may cause the same to be subdivided for sale. Power to Minister to reserve township areas. Cf. 4 Geo. V. No. 39, ss. 68, 70, and 71.

(2) Notwithstanding anything to the contrary contained in this Act the Minister, on the recommendation of the President, may from time to time—

- i. Sell any land, being township lots, forming part of any area reserved for township purposes, pursuant to Subsection (1) of this section: Minister on recommendation of President may sell township lots.

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A.D. 1917.

Also sites for churches, &c.

And may sell or lease land not required for purposes of Section 9.

Mode of exercising power of sale.

Mode of exercising power of leasing

Amendment of Section 2 of Principal Act.

Principal Act, as amended, to be retrospective.

II. Sell for the following purpose any portion of any land (whether private or Crown land) acquired or set apart for the purposes of this Part, namely :—As sites for churches, public halls, dairy factories, fruit-preserving factories, mills or creameries ; provided that the area of a site for a church or public hall shall not exceed One acre, and the area in the case of any other such site as aforesaid shall not exceed Five acres :

III. Sell or lease any portion of any land (whether private or Crown land) acquired or set apart for the purposes of this Part, which in the opinion of the President is not likely to be disposed of by way of sale or lease pursuant to the provisions of Section Nine, or is not required for the purposes of that section

(3) Where under this section the Minister is empowered on the recommendation of the President—

i. To sell any land, he may sell the same in fee simple to any persons (including discharged soldiers) by public auction or private contract, for cash or upon credit, or partly for cash and partly upon credit, and at such prices and upon such terms and subject to such covenants, conditions, exceptions and reservations as the Governor thinks fit :

ii. To lease any land, he may lease the same to any persons (including discharged soldiers) for any period less than a year, or from year to year, or for any term of years, at such rents, upon such terms, and subject to such covenants, conditions, exceptions, and reservations as the Governor thinks fit.

(4) The provisions of this section shall be deemed to have been inserted in this Act on the commencement thereof."

10 Section Two of the Principal Act is hereby amended by adding to the definition of " Board " the following :—" With the addition of one other member who shall be a returned soldier whose duties shall be in connection with ' The Returned Soldiers' Settlement Act ' only."

11 The Principal Act, as amended by this Act, shall be deemed to have been in force as from the commencement of the present war.