

War Service Land Settlement Agreement Act. 9 GEO. VI. No. 30

(2.) When practicable, reasonable notice shall be given to the owner or occupier of the land of the intention to enter thereon, and the authority under which the person entering claims to enter or has entered shall, if required by such owner or occupier, be produced and shown.

(3.) Every person who—

(a) Without due authority destroys, mutilates, defaces, takes away, or alters the position of any trigonometrical station, survey peg, mark, or pole fixed or set up by any person under the authority of this section; or

(b) Wilfully obstructs any person acting under the authority of this section,

shall be liable to a penalty not exceeding fifty pounds, which penalty may be recovered in a summary way under **The Justices Acts, 1886 to 1945.*"

Valuation of
land
acquired.

14. In the estimation and determination of compensation in respect of any land taken for the purpose of this Act values shall not in any case be taken to exceed the respective amounts thereof in February, one thousand nine hundred and forty-two, excepting the value of any improvements effected on such land since that date.

9 GEO. VI.
No. 30.
THE WAR
SERVICE
LAND
SETTLEMENT
AGREEMENT
ACT OF 1945.

An Act to Authorise the Execution by or on behalf of the State of Queensland of an Agreement between the Commonwealth of Australia and the State of Queensland in relation to War Service Land Settlement.

[ASSENTED TO 6TH DECEMBER, 1945.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as "*The War Service Land Settlement Agreement Act of 1945.*"

Execution of
Agreement
authorised.

2. The execution, by or on behalf of the State of Queensland, of an Agreement between the Commonwealth of Australia and the said State substantially in accordance with the form contained in the First Schedule to this Act is hereby authorised.

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3. *Such Agreement when executed by the afore-mentioned parties shall be published by the Governor in Council by Proclamation published in the *Gazette*, and upon such publication such Agreement shall be deemed to be approved by this Parliament and shall, while it continues to be binding on the Commonwealth of Australia, have force and effect and be binding on this State.

Executed Agreement to be gazetted.

Such Proclamation shall be laid before this Parliament within fourteen sitting days after the publication thereof if this Parliament is then in session and actually sitting or, if this Parliament is not then in session or, if in session, is not then sitting, within fourteen days after the commencement of the next session or, as the case may be, the date upon which this Parliament next sits.

Proclamation to be laid before Parliament.

THE SCHEDULE.

AGREEMENT made the _____ day of _____ One thousand nine hundred and forty-five, BETWEEN THE COMMONWEALTH OF AUSTRALIA (in this AGREEMENT called "the Commonwealth") of the first part and THE STATE OF _____ (in this Agreement called "the State") of the second part.

WHEREAS at a conference of Commonwealth and State Ministers at Canberra on the twenty-second day of August, One thousand nine hundred and forty-five, certain proposals were agreed to with a view to the settlement on land in the State of discharged members of the Forces and other eligible persons :

AND WHEREAS it is expedient that an Agreement be made between the Commonwealth and the State in order to carry into effect the said proposals :

NOW IT IS HEREBY AGREED as follows :—

1. This Agreement shall have no force or effect and shall not be binding on either party unless and until it is approved by the Parliament of the State.

2. (1.) In this Agreement—

"Applicant" means a person applying to participate under the scheme ;

"Crown land" means Crown land as defined in the land laws of the State ;

"Eligible person" means—

(a) A discharged member of the Forces who has been honourably discharged after not less than six months' war service, or having, in the opinion of the appropriate State authority, been materially prejudiced by reason of his war service, has been honourably discharged after less than six months' war service ; or

* Executed agreement proclaimed 13th June, 1946 ; *Gazette*, 15th June, 1946, p. 1569.

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- (b) A person included in a class of persons (if any) which the Commonwealth with the concurrence of the State determines shall be deemed eligible to participate in land settlement under the scheme ;
- “ Holding ” means the land allotted to a settler under the scheme ;
- “ Member of the Forces ” has the same meaning as in section 4 of the **Re-establishment and Employment Act 1945* of the Commonwealth ;
- “ Private land ” means all land other than Crown land ;
- “ Settler ” means a person who has been allotted a holding under the scheme ;
- “ The scheme ” means the scheme of land settlement contained in this Agreement ;
- “ The War ” means the war which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the date of this Agreement ;
- “ War service ” has the same meaning as in paragraphs (a), (b), (c), (d) and (e) of the definition of “ war service ” in section 4 of the **Re-establishment and Employment Act 1945* of the Commonwealth ;
- (2.) For the purposes of this Agreement, a member of the Forces who has ceased to be engaged on war service shall be deemed to have been discharged.

3. Land settlement under the scheme shall be carried out in accordance with the following principles :—

- (a) Settlement shall be undertaken only where economic prospects for the production concerned are reasonably sound, and the number of eligible persons to be settled shall be determined primarily by opportunities for settlement and not by the number of applicants ;
- (b) Applicants shall not be selected as settlers unless a competent authority is satisfied as to their eligibility, suitability, and qualifications for settlement under the scheme and their experience of farmwork ;
- (c) Holdings shall be sufficient in size to enable settlers to operate efficiently and to earn a reasonable labour income ;
- (d) An eligible person deemed suitable for settlement shall not be precluded from settlement by reason only of lack of capital, but a settler will be expected to invest in the holding such proportion of his own financial and other resources as is considered reasonable in the circumstances by the appropriate State authority ;
- (e) Adequate guidance and technical advice shall be made available to settlers through agricultural extension services.

* Act No. 11 of 1945 of the Commonwealth.

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4. (1.) The Commonwealth shall in the carrying out of the scheme provide financial and other assistance as is hereinafter set forth.

(2.) The State shall initiate proposals for settlement under the scheme but the Commonwealth may initiate proposals where these are directly associated with any matter in respect of which the Commonwealth has power to make laws.

5. The State shall provide capital moneys required for the purpose of acquiring, developing, and improving land for settlement under and in accordance with the terms of this Agreement.

6. (1.) The State shall bear the cost of all State administration of the scheme.

(2.) The State shall make a capital contribution in respect of each holding of an amount equal to one-half of the excess of the total cost involved in acquiring, developing, and improving the holding over the sum of valuations of the land and improvements.

(3.) The amount of capital contribution to be determined in accordance with the last preceding subclause shall, if required by a State, be separately and independently assessed in respect of land and improvements.

(4.) The valuations referred to in subclause (2) of this clause shall be made by officers appointed by the Commonwealth and State in consultation for the purpose.

(5.) In making the valuations, the officers shall have regard to the need for the proceeds of the holding (based on conservative estimates over a long-term period of prices and yields for products) being sufficient to provide a reasonable living for the settler after meeting such financial commitments (excluding principal repayments under any Agreement between the State and the settler for the purchase of land) as would be incurred by a settler possessing no capital.

(6.) Where settlement is on Crown land or acquired leasehold land, an amount to be agreed upon between the Commonwealth and the State shall be included in the total cost referred to in subclause (2) of this clause to cover the State's interest in the land.

(7.) The State shall bear one-half of the cost involved in the remission of rent and interest during the assistance period referred to in clause 13 of this Agreement.

(8.) The State shall bear one-half of any losses (to be assessed on a basis to be agreed upon by the Commonwealth and the State) incurred by the State in pursuance of arrangements made in accordance with clause 15 of this Agreement.

(9.) The State shall, subject to clause 7 of this Agreement, be responsible for all other costs arising directly from settlement under the scheme.

7. (1.) The Commonwealth shall bear the cost of Commonwealth administration of the scheme.

(2.) The Commonwealth shall provide training and pay to applicants selected for training living allowances and certain transport and other expenses incidental to their training.

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(3.) The Commonwealth shall provide living allowances for settlers during the assistance period referred to in clause 13 of this Agreement and meet one-half of the costs involved in the remission of rent and interest provided for in that clause.

(4.) The Commonwealth shall make a capital contribution in respect of each holding of an amount equal to one-half of the excess referred to in subclause (2) of clause 6 of this Agreement.

(5.) The Commonwealth shall bear one-half of the losses referred to in subclause (8) of clause 6 of this Agreement.

8. Any excess of the total cost involved in acquiring, developing, and improving the holding over the valuations made in accordance with the provisions of clause 6 of this Agreement shall be written off and those valuations shall, unless otherwise agreed by the Commonwealth and the State, be accepted for the purpose of applying the terms and conditions relating to tenure of land made available for settlement under this Agreement.

9. All financial matters relating and incidental to the carrying out of this scheme shall be arranged in a manner satisfactory to the Treasurer of the Commonwealth and the Treasurer of the State.

10. The following procedure shall be observed in connection with the approval of proposals for settlement under the scheme brought forward by the State:—

- (a) After the State has selected such land as appears suitable for settlement it shall immediately take all practicable and necessary measures to prevent the land or any part thereof being dealt with otherwise than as is provided in this Agreement;
- (b) The State shall submit to the Commonwealth certain information to be agreed upon by the Commonwealth and the State, and shall confer with the Commonwealth to determine whether a detailed survey of the land is required, and, if both the Commonwealth and the State agree that a detailed survey is required, this will be undertaken by the State with the assistance where necessary of relevant Commonwealth authorities:

Provided that if, before the fifth day of October, One thousand nine hundred and forty-four, the State had selected land for settlement and completed or substantially completed all surveys thereof considered necessary by the Commonwealth, the State may immediately submit the proposals in the manner provided in the next succeeding paragraph and no further survey of the land shall be required;

- (c) The State shall submit to the Commonwealth details of proposals for settlement, including plans and such particulars relating to the proposed subdivision, development, and use of the land as the State and the Commonwealth agree upon;

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- (d) The Commonwealth and the State shall confer on each proposal and decide whether it should be accepted, either with or without alteration or modification, as an approved plan of settlement.

11. (1.) The State shall—

- (a) Set apart or resume, as the case may be, for settlement such land comprised in an approved plan of settlement as is Crown land ; and
- (b) Acquire compulsorily or by agreement and at a value not exceeding that ruling on the tenth day of February, One thousand nine hundred and forty-two, private land or lands held under lease from the Crown comprised in an approved plan of settlement.

(2.) The State shall subdivide, develop, and improve the land to a stage where it can be brought into production by a settler within a reasonable time having regard to the type of production proposed.

12. The following principles shall be adhered to in training, selecting, and settling applicants under the scheme :—

- (a) A member of the Forces while still engaged on war service may, if permitted to apply for land under any law of the State dealing with the settlement of servicemen on the land in force prior to the fifth day of October, One thousand nine hundred and forty-four, apply to participate under the scheme, but he shall not be eligible to participate in any concessions to which the Commonwealth is required to contribute any part of the cost until he has ceased to be engaged on war service and has been classified as suitable for settlement in accordance with the provisions of paragraph (c) of this clause ;
- (b) An eligible person may apply to participate under the scheme not more than five years after—
- (i.) The fifteenth day of August, One thousand nine hundred and forty-five ; or
- (ii.) The date when he ceased to be engaged on war service whichever is the later ;
- (c) An applicant for settlement shall apply to the appropriate State authority which shall on behalf of the Commonwealth—
- (i.) Determine whether an applicant is an eligible person ; and
- (ii.) Classify eligible persons as suitable (either immediately or after training or further experience) or as unsuitable for settlement ;
- (d) Where training or further experience is considered desirable by the State authority it shall be provided mainly by employment with farmers approved by the State authority.

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13. (1.) There may be granted to a settler during the period of one year next following the allotment of a holding to him (hereinafter referred to as "the assistance period") a living allowance at such rate and subject to such conditions as may be fixed by the Commonwealth.

(2.) During the assistance period the settler shall not be required to pay any rent or interest in respect of the holding or to make any payments on account of principal or interest in respect of advances (other than advances for working capital) made under clause 15 of this Agreement.

(3.) In special circumstances and upon conditions approved by the Commonwealth, further assistance may in any particular case be extended beyond the said period of one year.

14. (1.) The net proceeds of the holding during the assistance period shall be paid to an authority prescribed by the State and credited by that authority against future obligations of the settler in respect of advances for stock, plant and equipment, and improvements, and in respect of rent or interest on land in a proportion to be determined by the authority.

(2.) At least one-half of the proceeds shall be credited to future obligations in respect of stock, plant, and equipment.

(3.) The authority may, in any particular case, waive the requirements of the last two preceding subclauses if, in its opinion, the circumstances of the case are such that it is desirable to do so.

(4.) Wherever practicable the whole of a settler's finances relating to his settlement under the scheme shall be controlled by one authority. The authority shall record separately any advances in respect of which the Commonwealth under this Agreement accepts any liability in the event of loss.

15. (1.) The State shall make such arrangements as may be approved by the Commonwealth for the making of advances to settlers, upon such conditions as may be agreed upon between the Commonwealth and the State, for the purpose of providing working capital and paying for and effecting improvements and acquiring stock, plant, and equipment.

(2.) The arrangements referred to in subclause (1) of this clause may include the giving of guarantees by the State.

16. In the event of the settler not being able to meet all his current obligations under the scheme such amounts as are received from the settler shall be applied to his obligations in respect of advances for working capital, stock, plant, or equipment, improvements, rent, or interest on any balance outstanding on the purchase price of the land, in the order in which the obligations are set out in this clause.

17. The form and conditions of tenure on which a holding is to be held by a settler shall be determined by the State.