

No. 2988.

An Act to amend the *Discharged Soldiers Settlement Act 1917* and for other purposes.

[31st December, 1918.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Discharged Soldiers Settlement Act 1918* and shall be read and construed as one with the *Discharged Soldiers Settlement Act 1917* (hereinafter called the Principal Act) which Act and this Act may be cited together as the Discharged Soldiers Settlement Acts.

2. (1) In

Short title  
construction  
and citation.  
No. 2910.

2. (1) In section two of the Principal Act for the words "the Lands Purchase and Management Board" there shall be substituted the words "the Closer Settlement Board."

Amendment of No. 2916 s. 2. Alteration of corporate name of Board.

(2) For sub-section (2) of the said section two there shall be substituted the following sub-section:—

References to the *Closer Settlement Act 1915* &c. and the Land Acts.

"(2) Expressions defined in the Closer Settlement Acts or the Land Acts shall (as the case requires) bear the same meaning in the Discharged Soldiers Settlement Acts; and (if the case so requires) in the Discharged Soldiers Settlement Acts references to the *Closer Settlement Act 1915* or to the Closer Settlement Acts or to the Land Acts include references to any corresponding enactments previously in force."

No. 2629; Nos. 2676, 2770.

3. Nothing in sub-section (1) of section eleven of the Principal Act shall affect any power of the Board under section one hundred and six of the *Closer Settlement Act 1915* to make an advance to a discharged soldier to the extent therein provided in respect of an allotment under the last-mentioned Act or any Act thereby repealed if such discharged soldier is a lessee mentioned in and complying with the requirements of the last-mentioned section.

Provisions of No. 2629 s. 106 as to advances up to £1,000 to certain lessees to apply notwithstanding No. 2916 s. 11 (1).

4. In section thirteen of the Principal Act for the words "under section twenty of the *Closer Settlement Act 1915*" there shall be substituted the words "by the Board under the Closer Settlement Acts."

Amendment of No. 2916 s. 13.

Improvements in case of land acquired under the Closer Settlement Acts.

5. At the end of section fourteen of the Principal Act there shall be inserted the following sub-section:—

Amendment of No. 2916 s. 14.

"(2) Any concession under this section may be reduced or discontinued by the Minister in any case where upon the report of an inspector of the Board the Minister is satisfied that any covenant or condition of the lease is not being complied with by the lessee or that the allotment is not being satisfactorily worked."

Power to Minister to reduce or discontinue concession.

6. Section fifteen of the Principal Act is hereby amended as follows:—

Amendment of No. 2916 s. 15.

(a) In paragraph (b) of sub-section (1) for the words "but not after the end of the third year from the commencement of the term of the conditional purchase lease thereof" there shall be substituted the words "but only during the currency of the lease";

Power to make improvements before or after disposal of blocks.

(b) Sub-section

(b) Sub-section (2) is hereby repealed ;

(c) In sub-section (3) the words "paragraphs (a) and (c) of" are hereby repealed.

Amendment of No. 2916 s. 18.  
Rate of interest on lease issued in lieu of surrendered lease.

7. At the end of sub-section (2) of section eighteen of the Principal Act there shall be inserted the words "but the rate of interest payable under the new lease shall be equivalent to that charged at the date of the surrender in respect of land disposed of under the Discharged Soldiers Settlement Acts."

Repeal of No. 2916 s. 24 consequentially on amendment of No. 2629 s. 20 as to owners' land tax returns.

8. Section twenty-four of the Principal Act is hereby repealed.

Amendment of No. 2916 s. 25.

As to report by referees before purchase of land.

Application of No. 2629 s. 27 as modified in certain cases.

9. For sub-section (4) of section twenty-five of the Principal Act there shall be substituted the following sub-section :—

"(4) If in any case the Minister decides that it is advisable that the land be acquired or taken but at a value less than that fixed by the Board the provisions of section twenty-seven of the *Closer Settlement Act 1915* shall apply and be read and construed—

(a) as if in the said section twenty-seven for the words 'If the Minister agrees with the value so fixed by the Board' there were substituted the words 'If the Minister decides that it is advisable that the land be acquired or taken but at a value less than that fixed by the Board' ; and

(b) as if for any other reference in the said section twenty-seven to the value fixed by the Board there were substituted a reference to the value decided upon by the Minister."

Amendment of No. 2916 s. 26.  
Increase of borrowing power &c.

10. In section twenty-six of the Principal Act the words "during three years from the commencement of this Act" are hereby repealed; and for the words "Two million two hundred and fifty thousand" there shall be substituted the words "Four million."

Amendment of No. 2916 s. 36.  
Power to make advance to a discharged soldier who is a party to private leasing agreement.

11. (1) In sub-section (1) of section thirty-six of the Principal Act after the word "share-farming" (wherever occurring) there shall be inserted the words "or leasing."

(2) At

(2) At the end of the said section thirty-six there shall be inserted the following sub-section :—

“(3) Where a discharged soldier who obtains a qualification certificate owns private land or has entered into an agreement to purchase private land the Board, if in its opinion he has a reasonable prospect of successfully working such land, may upon such security as the Board thinks fit make an advance to him of not more than Five hundred pounds for the purposes of improving the land and of purchasing stock or implements and for such other purposes as the Board thinks fit so as to enable him to work the land profitably.”

Or who is  
owner &c. of  
private land.

12. (1) In section thirty-seven of the Principal Act after the words “held by them” there shall be inserted the words “or to discharge any liabilities in respect of dwellings on land purchased by them.”

Amendment of  
No. 2916 s. 37.  
Advances by  
State Savings  
Bank in respect  
of homes &c.

(2) For the purposes of section thirty-seven of the Principal Act as amended by this Act the expression “discharged soldier” (without restricting the generality of the expression) includes any person who—

For purposes of  
No. 2916 s. 37  
as to State  
Savings Bank  
advances,  
“discharged  
soldier” to  
include certain  
nurses.

(a) is or has been during the present war a member of the Commonwealth Army Medical Corps Nursing Service accepted or appointed by the Director-General of Medical Services for service outside Australia ; or

Comp. Comm,  
Act No. 37, 1917,  
s. 4.

(b) is or has been during the present war a member of the Army Medical Corps Nursing Service of any part of the King's Dominions other than the Commonwealth of Australia on proof to the satisfaction of the Commissioners of the State Savings Bank of Victoria that such person had before acceptance by or appointment to that service resided in Australia—

and who has returned to or resides in Victoria and whose appointment has been terminated or who has received a discharge from service.

13. The report mentioned in section thirty-eight of the Principal Act in addition to the matters specified in the said section shall show for each financial year the particulars set forth in the Schedule to this Act.

Annual report.

Schedule.

14. The Board with the consent of the Minister may in advance of applications for land under the Principal Act and for the purpose of assisting applicants for such land

Power of Board  
to purchase  
building  
material &c.  
in advance of  
the disposal of  
land.

land purchase building or fencing materials implements seeds plants trees and such other things as the Board thinks necessary for the successful occupation and cultivation of the land.

Declaration  
under the  
Discharged  
Soldiers  
Settlement  
Acts.

Comp. No. 2637  
s. 305; No. 2647  
ss. 99, 100.

15. Where by or under the Discharged Soldiers Settlement Acts it is required or authorized that any fact matter or thing be verified or otherwise assured or ascertained upon the declaration of any person (whether such declaration is or is not referred to as a statutory declaration) such declaration may be made and subscribed before any person authorized by law to take and receive a statutory declaration or any councillor of a municipality head teacher of a State school member of the police force officer of the Department of Crown Lands and Survey or manager of a bank and every such person councillor head teacher member officer or manager is hereby empowered and required to take and receive such last-mentioned declaration accordingly, and shall specify in writing thereon the capacity in which he takes and receives the same.

Power of  
Governor in  
Council in  
exchange for  
other Crown  
lands to excise  
certain forest  
lands for  
disposal thereof  
to discharged  
soldiers applying  
therefor.

See No. 2676  
s. 10; No. 2655  
ss. 15, 16 &c.;  
No. 2629.

16. (1) Notwithstanding anything in the Land Acts or the *Forests Act* 1915 or the Closer Settlement Acts on the joint recommendation of the responsible Ministers of the Crown for the time being administering the Departments of Crown Lands and Survey, Forests, Mines, and Water Supply, the Governor in Council by Order made at any time within three years after the commencement of this Act and without the special authority of an Act of Parliament other than this Act may authorize, in exchange for unoccupied Crown land of equivalent value (including land acquired under the Closer Settlement Acts or the Discharged Soldiers Settlement Acts), the excision of any area of land permanently from any reserved forest within the meaning of the *Forests Act* 1915 for the purpose of disposing of the same pursuant to the Discharged Soldiers Settlement Acts to discharged soldiers who have made application for the same before the date of the Order.

Effect of  
excision.

(2) On the publication of any such Order in the *Government Gazette* the land therein described in the reserved forest shall be excised from the reserved forest as if it had been excised therefrom by Act of Parliament and for the purposes of this section shall be deemed to be and may be disposed of as if it were Crown land set apart under section six of the Principal Act and the land for  
which

which it is exchanged shall by virtue of this Act be deemed to be dedicated as a permanent forest within the meaning of the *Forests Act 1915*.

(3) A copy of every Order made under this section shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament.

Copy of Order to be laid before Parliament.

17. The value of any Crown land in any area set apart under section five or section six of the Principal Act may be determined by the Governor in Council before the said land is disposed of but the amount to be paid in respect of such land to the consolidated revenue or the Mallee Land Account (as the case may be) shall not exceed One pound an acre.

Determination of value of Crown land in area set apart under No. 2916 ss. 5, 6 for disposal to discharged soldiers.

18. (1) For the purposes of this Act the Governor in Council—

Power to raise moneys for purposes of concessions to discharged soldiers &c.

(a) may from time to time increase the amount of stock known as the Victorian Government Stock erected under the authority of the *Victorian Government Stock Act 1896* by an additional amount not exceeding in the whole the sum of One million pounds sterling; or

Comp. No. 2916 s. 26.

(b) may issue debentures for the whole or any portion of such sum in lieu of increasing the amount of stock as aforesaid—

No. 1468.

all of which stock and debentures and interest thereon respectively at such rate or rates as the Governor in Council may fix shall be chargeable upon the consolidated revenue.

(2) All the provisions of the *Victorian Government Stock Act 1896* and the *Victorian Government Stock Act 1912* with regard to the inscription issue management redemption payment of interest on and transfer of stock issued under the authority of the first-mentioned Act, and generally with regard to such stock, shall so far as the same are not inconsistent with this Act apply to the stock issued under the authority and for the purposes of this Act.

Application of Victorian Government Stock Acts, Nos. 1468, 2403. Comp. No. 2916 s. 27.

(3) For the purposes of this Act the Governor in Council may at any time cause debentures to be made out by the Treasurer of Victoria in the manner and subject to the provisions specified and contained in the *Victorian Government Debentures Regulation Act 1912*.

Form of debentures. Ib. s. 28.

No. 2404.

(4) The

Application of  
proceeds of loan.  
Comp. No. 2916  
s. 29.  
See *ib.* s. 31.

(4) The proceeds of the sale of the said stock or of the said debentures shall subject to this Act be issued and applied only for and towards the following purpose namely:—

Recoup of  
Discharged  
Soldiers  
Settlement  
Fund for losses  
in respect of  
concessions  
under No. 2916  
&c.

To recoup the Discharged Soldiers Settlement Fund any amounts due on account of concessions made by or under and by virtue of the authority conferred by the Discharged Soldiers Settlement Acts.

Expenditure  
authorized.  
Comp. *ib.* s. 29.  
Issue and  
application of  
moneys  
borrowed.

(5) The amount authorized to be raised under this Act may be expended for the purpose aforesaid and the Treasurer of Victoria is hereby authorized to issue and apply the same accordingly.

*Ib.*  
Amendment of  
No. 2916 s. 30  
(2) (*d*).

(6) In paragraph (*d*) of sub-section (2) of section thirty of the Principal Act the words “(other than losses in respect of concessions under this Act)” are hereby repealed.

Losses in  
respect of  
concessions  
under No. 2916  
&c. payable  
out of  
Discharged  
Soldiers  
Settlement  
Fund.

19. (1) There shall be established and kept in the Treasury an account to be called the Discharged Soldiers Concessions Fund.

The Discharged  
Soldiers  
Concessions  
Fund.

Moneys to be  
placed to credit  
of the said  
fund.

- (2) To the credit of the said fund there shall be paid—
- (a) in each and every financial year until the redemption of the loan raised under the authority of this Act the sum of Fifty thousand pounds out of the consolidated revenue, which is hereby to the necessary extent appropriated accordingly;
- (b) notwithstanding anything in the Discharged Soldiers Settlement Acts all moneys received by the Board under or pursuant to the said Acts in repayment of principal and payment of interest in respect of any Crown lands set apart under section six of the Principal Act which are disposed of to discharged soldiers as hereinafter in this Act provided; and
- (c) any moneys received from the Government of the Commonwealth representing the proportion payable by that Government under any agreement with the Government of Victoria of any amounts in respect of concessions made by virtue of the authority conferred by the Discharged Soldiers Settlement Acts.

From  
consolidated  
revenue.

Repayments  
&c. with respect  
to certain Crown  
lands disposed  
of to discharged  
soldiers.

No. 2916 s. 6.

Moneys received  
from Common-  
wealth in  
respect of  
concessions.  
*Ib.* s. 31.

(3) The

(3) The said fund shall and may subject to this Act be applied—

Application of the said fund.

(a) to the payment of interest on stock and debentures issued under the authority of this Act and the redemption of the said stock and debentures; and

(b) to the payment after the redemption of the said stock and debentures into the consolidated revenue or the Mallee Land Account (as the case requires) of amounts equivalent to the value of Crown lands which have never been private lands and which Crown lands have been set apart under section six of the Principal Act and have been disposed of to discharged soldiers as hereinafter in this Act provided.

No. 2916 s. 6.

(4) For the purposes of paragraph (b) of the next preceding sub-section the value of such lands shall be the value thereof according to their classification under the Land Acts before being so set apart but not exceeding One pound an acre.

Value of certain Crown lands for purposes of fund.

20. The provisions of the *Public Account Advances Act 1910* shall extend and apply so as to authorize the issue and application temporarily out of The Public Account of any sum or sums of money to meet expenditure authorized before such issue and application under the *Discharged Soldiers Settlement Acts*, such sum or sums of money to be refunded and paid back into The Public Account out of any moneys raised under the authority of the said Acts; and the said provisions shall with such alterations modifications and substitutions as are necessary be read and construed accordingly: Provided that nothing in this section shall be taken to increase the total amount mentioned in section two of the *Public Account Advances Act 1910* as the limit of advances under that Act.

Application of No. 2277.

21. Such of the areas of Crown land set apart pursuant to section six of the Principal Act as the Governor in Council thinks fit may notwithstanding anything in the Land Acts the Closer Settlement Acts or the *Discharged Soldiers Settlement Acts* be disposed of under the

Power to set apart certain Crown lands for disposal to discharged soldiers at not more than market value thereof.

See No. 2629 s. 75; No. 2676 Parts I. II. III.; No. 2916 ss. 6, 32.

provisions



provisions of the Discharged Soldiers Settlement Acts by the Board to discharged soldiers—

- (a) as if such lands had been acquired and taken for the Crown by the Board under the last-mentioned Acts and in the case of lands in the Mallee country as if such lands were not in the Mallee country ; and
- (b) at such prices as the Governor in Council thinks fit not being more than the market value of private lands of similar area quality and situation.

Section 18.

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### SCHEDULE.

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- (a) With respect to any estate acquired and taken for the Crown for the purposes of the Discharged Soldiers Settlement Acts at a price exceeding Six thousand pounds—the vendor's name and the locality, acreage, date of purchase of, and purchase money for the estate, the number of blocks into which the estate has been subdivided for disposal under the said Acts, and the number, acreage, and capital value of blocks disposed of, not disposed of, forfeited after disposal, and re-disposed of after forfeiture.
- (b) With respect to all other estates acquired and taken for the Crown for the purposes of the said Acts—the aggregate number and acreage of and purchase money for such estates in each district of the State, and in each such district the aggregate number, acreage, and capital value or estimated capital value of estates which have been subdivided for disposal thereof, of estates which have not been subdivided, and of blocks disposed of, not disposed of, forfeited after disposal, and re-disposed of after forfeiture.