**DISCHARGED SOLDIERS SETTLEMENT ACT FURTHER AMENDMENT BILL1920**

**House of Assembly, 25 November 1920, pages1875-7**

Second reading

Introduced by the Minister of Repatriation and read a first time.

Second reading.

The MINISTER of REPATRIATION (Hon. G. R. Laffer**)—**By this Bill it is proposed to amend the Discharged Soldiers Settlement Act Further Amendment Act, 1919, with respect to the procedure which that Act at present provides for the acquisition of large estates. The proceedings preliminary to acquisition shortly are: —If the Minister considers it advisable to acquire any large estate, he first gives the owner preliminary notice of his intention to inspect it under section 7. Having inspected the estate, if he decides to acquire it, he gives the owner a further notice under section 9 stating that at the expiration of six months he will acquire the land and what price he is prepared to give for it. After this period of six months is past the land is acquired by proclamation, the price being determined, in default of agreement, by arbitration. At any time before the notice under section 9 of the Minister’s intention to acquire has expired, the owner may give to the Minister a notice requiring him to take any other land which he owns and occupies together with the land to be acquired. When such a notice as this has been given by the owner, the Minister is bound to acquire not only the land as to which he gave the first notice, but also the land included in the second notice given by the owner. When the proceedings have reached this stage the Minister has no power to withdraw, and may be compelled by the owner to continue the acquisition, even though the additional land required by the owner to be taken may be utterly useless for the purpose of soldier settlement. It will be seen thus how the Minister may be embarrassed in his administration of the Act. The possibility of his having thrown on his hands all sorts of land which may not be of any value to him is so dangerous as to make it inadvisable to put into operation at all the compulsory provisions of the Act. The remedy is to give the Minister power to withdraw from the proceedings by revoking the notice under section 9, and this is the principal amendment sought to be made by this Bill. Clause 3 repeals section 9 of the Act, and substitutes other provisions. Subclause (1) practically repeats the provisions of the old section. The only difference is that it enables the Minister to give a notice as to part only of the large estate if he thinks it advisable, whereas, be­fore he could give notice only as to the whole of a large estate. Subclause (2) is a new provision. Its effect is that where an owner has received a notice from the Minister of intention to acquire, and has given a counter notice under section 15 requiring the Minister to take additional lands, the Minister may revoke the notice given by him, and thus put an end to the proceedings. This power of revocation, however, is subject to certain limitations. It can only be exercised before proceedings are commenced before the arbitration Judge to determine the price to be paid. This is necessary, because otherwise the Minister might await the result of the Judge’s award, and finding it did not suit him, revoke the notice and withdraw. Meanwhile the owner might have materially changed his position by making arrangements to sell his stock, or to buy other property. Further, the notice cannot be revoked if the price to be paid for the land included in the notice has been agreed upon between the Minister and the owner. The power of revocation so limited cannot prejudice the owner in the slightest degree. Subclause (3) is purely formal, requiring a revocation of notice to be noted by the Registrar-General in the same manner as the original notice. Subclause (4) is a very necessary provision. It is designed to protect the Minister from litigation consequent upon the revocation of notices. It is possible that in the absence of express enactment there would be some claim on the part of an owner to some legal remedy by reason of the giving of the first notice, or by reason of its revocation. This subclause says that the Minister is not to be liable to specific performance, damages, or other remedy by reason of the giving of the notice or of its revocation. Clause *4* makes what is merely a drafting amendment. “Commissioner” is obviously intended to be "Minister”, but it is well that it should be made clear. There are two distinct reasons for this Bill. Under the original Act the owner has a right to retain 15,000 acres. We may give notice of our intention to inspect an estate, and may send our valuators to inspect it. They may say that 7,000 acres out of 13,000 acres is suitable for a soldier settlement; but as the Act now stands the owner can say to the Government that we must take the lot, and probably all the rest of the area would be unsuitable for the purpose. If the owner says the Government have to take the lot, they have to do so or leave the estate untouched. That is a provision that should not exist. Previously I had no right to withdraw. Supposing we gave notice of inspection, and found there were 7,000 acres suitable for settlement, under the present Act we could not give notice that we intended to acquire that 7,000 acres without another inspection. It means that the whole procedure has to be gone through a second time. As to the point raised by Mr. Petherick, the owner is not put in a position in the slightest degree detrimental to him. This simply gives the Minister power to withdraw, and it also provides that it will not be necessary to give a second notice of inspection. If it is the wish of the House I have no objection to the Bill being put off until to-morrow, but if members are prepared to accept the position as I have stated it we can get the Bill through and sent to the other House to-day. I move the second reading.

Mr. GUNN—I have no desire to delay the measure, and am prepared to accept the Minister’s statement that it is purely a machinery Bill to enable him to put the compulsory acquisition clauses of last year’s Act into force. I still think the Minister will have obstacles to surmount that we did not foresee, and I daresay that when we come back next session not one estate will have been compulsorily acquired.

The Hon. Sir RICHARD BUTLER—I do not understand by this measure that the Government are asking to be permitted to pick the eyes out of any estate and leave the balance to the owner. What I understand is that if the Government bought part of an estate and the owner said they must take the whole of it, they would be obliged to take it unless we now give them the power to withdraw. I think that is quite reasonable.

Mr. REIDY—I am disappointed with this Bill, but am placed in the position of not being able to oppose the measure, although it does not go far enough. I asked the Minister early in the session whether it was his policy not to acquire estates compulsorily, and he told me that he was very anxious to do so. It is extraordinary that not one estate has been purchased. Is there not one that is suitable for soldier settlement and that could have been wholly acquired? When the previous Bill was going through this House I voted against its adoption, because I felt that it was useless. I want to enter my protest, in speaking to the second reading of this Bill, that after 12 months there has not been one estate compulsorily acquired after all we were going to do for the soldiers. The Minister says that with this machinery he will do better work, and I will be prepared to assist him in the hope that in the future he will administer the Bill with all the enthusiasm he can put into it, for the reason that there are hundreds of soldiers in my district alone waiting for land.

Mr. FITZGERALD—This House will only be too pleased to assist the Government in this direction, but I want to warn them that more stringent amendments will be necessary if they wish to acquire large estates for soldier settlement. Only last week I was told that one estate acquired recently for closer settlement is to-day being acquired by those who already have too much land. The Booborowie estate, which is the one I am referring to, has eight empty houses on it to-day, and it is a couple of years since that estate was acquired.

Mr. Jenkins—Something like ten years ago.

Mr. FITZGERALD—It is only a few years ago. Instead of those patriots assisting the Government they are trying to drive the soldiers out of the State by acquiring the land themselves. Until the Minister takes steps to cope with the position the acquisition of these estates will still continue.

Mr. JENKINS—I have pleasure in supporting the Bill. The Minister was placed in a most invidious position in respect to these estates. On most of our large estates the portion on which the head station is situated generally carries very heavy improvements, and it is because of those improvements that the Minister has been unable to acquire this land for soldier settlement. If the Minister had the power to give notice that he would acquire portion of an estate without having to take the whole with the right to withdraw providing the owner wanted him to take the whole, then he would be enabled to obtain a considerable area of land. There are one or two estates where notice of inspection has been given, and in one case we had a report from the Land Board that the value of the improvements added £3 an acre over the whole of the estate. Those improvements were practically useless to the department for soldier settlement.

The Hon. Sir Richard Butler—What area was that estate?

Mr. JENKINS—About 11,000 acres. The high price of land to-day, coupled with the

values of the improvements, make it practically impossible for the Minister to acquire estates at a satisfactory price. It would be better in the interests of the men that they should wait a year or two until the price of land becomes normal, so as to go on the land under the best conditions. The Government were unable to put the Act into operation from the time of its enactment. When the Act of last year was passed it was provided that the Government had to inspect all the land that had been offered for soldier settlement before it could come into operation. It is only five months ago that the Minister received a certificate from his officers that the whole of that land had been valued or reported on by the department. Almost immediately, on the reports from the local repatriation committees and others concerned, notices of inspection were given in respect to certain estates. I hope under the amendment of the Act the Minister will be more successful in securing land for soldier settlement.

Mr. RICHARDS—I regret it is impossible to amend the existing Act so as to give the Minister greater powers. While Mr. Reidy was speaking I interjected that there was an estate for sale at Millicent, and the honorable member, I presume for political purposes, endeavored to make it appear as if I were ridiculing the proposition . As a matter of fact, the estate I have in mind is one recently advertised in the Millicent district. I think the owners were named McArthur, and they had reserved from the sale the homestead block of 383 acres, which one of the sons intended to work himself. I thought this would be an admirable place for soldier settlement, especially in view of the fact, as Mr. Reidy stated, that there were hundreds of soldiers in his district awaiting land. Soldier settlement is such an urgent matter that I was very surprised to find that the honorable member did not know estates were available in his own district. I shall support the amendment of the Act.

Mr. McLACHLAN—We have not done everything possible to obtain land for returned soldiers. I have in mind quite half a dozen estates offered to the Government, but they would have nothing to do with them. Since then they have been cut up and sold at public auction and one estate brought £3 an acre more than the price at which it was offered to the Government. There is something radically wrong with our valuators. They may probably be keeping on the safe side.

Mr. Jenkins—A very good thing for the soldier.

Mr. McLACHLAN—If they want to buy land they must pay market price. Rather than going around the country inspecting estates and offering £2 or £3 an acre less than what they are really worth, thereby making a farce of it, it would be better to wait a few years until land values drop to a normal level. We are all anxious that the soldier should be settled on the land and should eventually become prosperous. This is an extraordinary season, both as regards the crops and the prices which will be obtained, and we cannot take this season as a general run of seasons we are likely to get. I support the Bill and trust it will have the desired effect.

Mr. ANS'TEY—In some cases heavy improvements around the homestead are quite beyond the actual value of the estate; and if these improvements are to be added to the value of the estate it would overload the price to such an extent that soldiers could not purchase the land. Previously, before any notice of purchase could be issued, the Government had to be assured that everything had been reported upon and inspected. The department some time ago had all the estates in South Australia scheduled and valuations of them secured from different departments, and all the Repatriation Committees throughout the State were asked to furnish their opinion upon different estates. I do not think the House will object to give the Minister power to withdraw his offer of purchase after he has given notice, if he then finds that the estate is unsuitable. I support the Bill.

The MINISTER of REPATRIATION—The reports that have been received in regard to suitable estates in South Australia for soldier settlement have been disappointing. The properties in South Australia are of such a mixed character that you cannot say that any whole estate is suitable for soldier settlement. Under the law as it exists I have no power to buy a single acre unless it is recommended by the Land Board.

Bill read a second time and passed remaining stages.