**DISCHARGED SOLDIERS’ SETTLEMENT ACT AMENDMENT BILL 1940**

**House of Assembly**

Second reading

**The Hon. R. J. RUDALL (Angas—Com­missioner of Crown Lands**)—The object of this Bill is to enact some further provisions relating to the settlement of discharged sol­diers on the land. The most important matter dealt with is the right of a discharged soldier to change the tenure on which he holds his block. There is a demand for such changes. Sometimes a soldier lessee desires to purchase his holding, and for this purpose to exchange his lease for an agreement. On the other hand, a soldier holding land on agreement to purchase may desire to be rid of the obligation to pay instalments of capital. This result can be achieved by exchanging the agreement for a perpetual lease. There are at present some provisions in the Discharged Soldiers Settlement Acts dealing with these exchanges, but they do not provide for all the cases in which changes of tenure are required. The Bill therefore supplements the present provisions on this subject, and contains some other miscellaneous amendments for facilitating the administration of soldier settlement. I will explain the clauses in their order.

Clause 3 deals with the case where a soldier settler surrenders an agreement in order to obtain a perpetual lease of the same land. Under the present law, upon such a surrender, a perpetual lease may be issued, giving the settler a right to purchase the fee simple of the land at any time during the term of the lease, at the price at which he could have completed purchase under the agreement. Since the lease is in perpetuity, the right of purchase may be exercised at any time, however remote. The Government believes that it is not equitable to give a settler a perpetual right to purchase his block at its present price, irrespective of any change in the value of land. It is proposed therefore to insert in the Discharged Soldiers Settlement Act a provision similar to one already inserted by Parliament in the Crown Lands Act, providing that the right of purchase granted under such perpetual leases issued in the future must be exercised within the period during which the settler could have completed purchase under his surrendered agreement. That is to say, the right of purchase must be exercised, if at all, not earlier than six years after the commencement of the surrendered agreement and not later than the end of the term of the surrendered agreement. Clause 3 also contains a minor amendment to the principal Act to make it clear that, when a settler takes land on perpetual lease after having surrendered his agreement, the provision of the principal Act as to probationary permits to occupy the land will not apply to him.

Clause 4 enacts three new sections for insertion in the principal Act. The first of these, section 24a, provides that a discharged soldier holding land on a lease under the principal Act, may surrender his lease for an agreement to purchase. The procedure proposed in the section for this purpose is similar to that contained in the corresponding sections of the Crown Lands Act. When a settler applies to surrender his lease for an agreement, the Land Board, subject to the approval of the Minister, will fix the purchase price and give notice of it to the settler, who will have the option of accepting or rejecting the terms offered. The next provision of clause 4, namely, the proposed section 24b. provides that a settler holding land on a lease under the principal Act may apply to purchase the fee simple of the land for cash. When an application for such purchase is made, the cash price will be fixed by the Land Board subject to the approval of the Minister, and notice of it given to the settler, who may then elect whether he will purchase at the price fixed. A similar right is granted to lessees of the Crown lands under the Crown Lands Act. There seems no reason why discharged soldier lessees should not be in the same position in this matter as other Crown lessees. A further section contained in this clause relates to the repayment of moneys owing to the Crown by discharged soldiers who surrender their land or their leases or agreements whether for the purpose of changing the tenure or otherwise. The moneys in question are in most cases the balance of advances made to the settler for stock, plant, and the like, and interest. The proposed section 24a provides that in such cases the surrender of a lease or agreement will not be accepted unless arrangements satisfactory to the Minister of Repatriation are made for payment of the money owing. The Minister may require the money to be repaid in a lump sum or in instalments, or that it shall be made payable under any new lease or agreement issued to the settler as if it were rent or instalments of purchase money, or that it shall be secured by a mortgage. The Minister also is given power in appropriate cases to require that, part only or none of the money will be paid.

Clause 5 empowers the Minister to make an advance to a discharged soldier who has lost his holding through bankruptcy or other like cause. It is provided that where a soldier settler has so lost his land, and has made arrangements for working any land as a tenant or a share farmer or otherwise, and the Minister is satisfied that he is worthy of further help, the Minister may, if the Land Board so recommends, make a loan to the settler for the purchase of livestock, plant, seed, fodder, equipment or other goods required for working the land and maintaining the settler and his family. Clause 5 also provides that when land acquired for the settlement of discharged soldiers reverts to the Crown, the Minister of Repatriation shall have power to enter into and carry out share farming agreements for the working of the land on shares, and to expend money on maintaining and making improvements on the land. It is obviously necessary that the Minister should have powers of these kinds in order to minimise loss and prevent deterioration of holdings. I move the second reading.

The Hon. R. S. RICHARDS secured the adjournment of the debate.