**DISCHARGED SOLDIERS SETTLEMENT ACT FURTHER AMENDMENT BILL 1919**

**House of Assembly, 19 August 1919, pages 439-45**

Second reading.

**The MINISTER of REPATRIATION (Hon. E. A. Anstey)—**The chief object of this Bill is to enable large estates to be acquired compulsorily for the settlement of discharged soldiers. South Australia is less fortunate than the other States in the quantity of good land available for soldiers’ settlement. Most of the good land in the State (except irrigation lands along the Murray) has already been taken up, but some of it is still only used for pastoral purposes, and is not being turned to its best economic use. There is power under Part x. of the Crown Lands Act, 1915, to acquire compulsorily estates exceeding £20,000 in value if the owner is not cultivating annually at least one-third

of the arable land. Any such land acquired is dealt with under the Crown lands Act as closer settlement land. Clauses 3 to 20 of the Bill are based upon the provision of the Crown Lands Act, 1915, just referred to with certain modifications. Power is given to acquire compulsorily any estate exceeding £15,000 in value, the owner of which is not cultivating annually at least one-third of the arable land (see clause 3). The land when acquired is to be used for the settlement of discharged soldiers. No large estate is to be acquired under the Act unless three members of the Land Board have certified in writing that the large estate proposed to be acquired is suitable for the settlement of discharged soldiers, and capable of being readily subdivided into blocks for that purpose. Clauses 7 to 11 are machinery provisions adopted from Part x. of the Crown Lands Act. Clause 12 gives the owner of the land taken the right to retain for the purpose of his residence or business, or both, a block or blocks of land not exceeding a value fixed according to the value of the whole estate. The value of the block retained is not to exceed—(1) £5,000, if the value of the whole estate does not exceed £20,000; (2) £7,500, if the value of the whole estate exceeds £20,000, but does not exceed £50,000; (3) £10,000, if the' value of the whole estate exceeds £50,000, but does not exceed £100,000; and (4) £15,000, if the value of the whole estate exceeds £100,000. The block which is retained must be, as nearly as practicable, in the form of a square, unless it has a frontage to a road, river, lake, or sea, when the width and depth shall be so regulated as not to exceed the proportion of one to two. The Minister of. Repatriation is to have a voice in fixing the situation of the block to be retained, and if there is a homestead on the estate the owner must, if required by the Minister, include it in the block which he retains. Clauses 13, 14; and 15 are machinery provisions adopted from the Crown Lands Act. Clause 16 is important. It provides that the price to be paid for the land taken is to be determined by arbitration, failing agreement between the Minister and the owner of the land. The arbitration is to be determined by a single arbitrator, instead of three arbitrators as under the Crown Lands Act. If the Minister of Repatriation and the owner cannot agree upon an arbitrator, the arbitrator is to be selected by a Judge of the Supreme Court, and must be selected from a panel of arbitrators, if at the time the panel is fully constituted. The panel of arbitrators is provided for by clause 17. Under this clause the Governor may, on the recommendation of the Minister, appoint a panel of arbitrators consisting of not less than three nor more, than six persons skilled in valuing land. If three suitable impartial persons can be found who are willing to accept appoint­ment on the' panel they will be appointed, and the arbitrator will then be selected from the panel. The object. of having only a single arbitrator is to avoid the heavy expense incidental to the employment of three arbitrators. Moreover, it invariably happens in practice that if there are two arbitrators, one appointed by the owner and one by the Government, and an umpire, the arbitrators become virtually advocates for the party which appoints them, and the matter has really to be determined by the umpire. It is felt that as the land is for the settlement of soldiers, it should be obtained as cheaply as possible, and that the cost should not be increased by unnecessary expenses in connection with arbitration, which the Government have found in the past to be surprisingly heavy. Clauses 18, 19, and 20 are adapted with modifications from the Crown Lands Act. In dealing with the remaining provisions of the Bill, clauses 22, 23, and 25 must be considered together. Clause 23 provides for an increased personnel of the Land Board for the purposes of the settlement of discharged soldiers, clause 25 for the assistance to the Land Board of outside valuers, and clause 13 gives direct practical effect to both clauses. The present arrangement is that the Inspector of Lands in the Department of Agriculture is a member of the Land Board for the purposes of repatria­tion, but even with this additional assistance the work of the Land Board is seriously in arrear, both in regard to repatriation and ordinary Crown lands work, and it has been found quite impossible to cope with the work of inspecting all the land offered to the Government for the settlement of the soldiers. To meet. the position it is now proposed to appoint one or more additional inspectors of lands who, with the present inspector, will be ex officio members of the Land Board for the purposes of the Discharged Soldiers Settlement Acts. Outside assistance for the board is provided by clause 25. The State will be divided into four or five land valuation districts, and, a local valuer or valuers appointed for each district. The idea is for these local valuers to make preliminary inspections of any property in their district which is offered to the Government or which it is pro­posed to buy for the settlement of discharged soldiers, and only those recommended by them for purchase will be considered by the Land Board itself. It is anticipated that this procedure will greatly lighten the work of the Board, and permit the present members to devote part of their time to other pressing matters. Direct practical effect is given to these two clauses in clause 13. That clause amends section 11 of the Act of 1918 so as to enable land to be acquired on the recommendation of two members of the Land Board and the Local Valuer, as well as on the recommendation of the Land Board as at present. The object of clause 21 is twofold. The first is to extend the class of persons to whom advances may be made so as to include the holder on lease or agreement of any lands belonging to the Crown, not being limited to holders of leases or agreements under the Crown Lands Act or the Irrigation and Reclaimed Lands Act. The class of persons particularly in mind in the making of this amendment are the soldiers taking up pastoral land under clause 27. The second object of the clause is to enable advances to be made for the purpose of discharging a mortgage or encumbrance over land of which the discharged soldier is already the owner or lessee, or for the purpose of paying off any debt incurred by the soldier prior to enlistment or incurred on his behalf during his absence from the State on active service. An advance for any such purpose must be secured by first mortgage, either as the sole security or in conjunction with a bill of sale or other security approved by the Minister. If secured by first mortgage only, the amount of the advance must be limited in an amount recommended by two members of the Land Board and by an Inspector of Lands or the Local Valuer above referred to. Under the Act of 1918, the Minister was empowered to purchase land, including Crown lands, for the settlement of a particular soldier, and provision was made for dealing with the land after acquisition. These particular provisions have been found to work not very well in practice nor to be . quite so liberal in the treatment of such discharged soldier as is now desired they should be. Clause 24 therefore amends section 15, the section conferring this power of acquisition for the Settlement of a particular soldier, so as to provide for the land purchased being vested directly in the soldier, and a mortgage taken to secure the purchase price and any advances made under the principal Act. If the land is not so vested, then it becomes Crown land, and an agreement may be granted to the soldier in question or to any other soldier under the principal Act. The provisions as to occupation of the land on permit for a period of 12 months before the granting of an agreement applies to land so purchased, as in the case of land gazetted for allotment to soldiers generally. Under clause 26 all lands acquired by the Minister under the principal Act or the powers conferred by this Bill for allotment to soldiers generally are, on acquisition, to become Crown lands, and may be dealt with as Crown lands set apart for that purpose. Provision is made for the necessary cancellation of the certificates of title and similar matters, both in the case of land so acquired and land acquired for the settlement of a particular soldier. Clauses 27 and 28 deal with the settlement of discharged soldiers on pastoral lands. Clause 27 enables pastoral land to be set apart and offered for allotment to soldiers, and for the usual advances to be made to them when settled on the land. They must occupy on permit, for a period of 12 months, as in the case of other lands. Clause 28 deals with the payment for improvements to the outgoing lessee. The Minister will pay these, and recover the cost from the soldier to whom the lease is allotted by instalments spread over the period of the lease. Clause 29 exempts all instruments executed in connection with the settlement of discharged soldiers from stamp duty. In the majority of cases where pastoral lands are required, we will secure the land for the applicant, and leave it to him to get assistance through a stock agent. The small amount we could advance for stock and implements would be of no value to the man going on pastoral land.

Mr. O ’Flaherty—Why not bring in an amendment here to provide for him?

The MINISTER of REPATRIATION—That would only be complicating matters. We would have to take a bill of sale over the whole of the stock. The stock agent acts practically as the banker of the lessee. We cannot discriminate between settlers who are put on farming, gardening, dairying, or pastoral propositions. It would take £2,000 or £3,000 to stock a pastoral proposition, and there would be another £2,000 or £3,000 for the permanent improvements on the lease. We have fixed an arbitrary line of £3,500 to each man. He will get any other assistance he requires if he is the right man.

Mr. O'Flaherty—If he is not the right man he should not be put on. You should make assistance available to him through the State Bank.

The MINISTER of REPATRIATION—He will always. get the assistance he requires if he is the right man. There has been no justification for the criticisms of the Land Board as a board. It has been heavily handicapped, and it has more work than it can cope with. If in some cases it has declined to purchase, or has undervalued properties, it has been done in the best interests of the returned soldiers, although I must admit that in some instances the action of the Board has not met with the approval of honorable members in their districts. Often land is worth more to the adjoining land owner than it. is to the returned soldier. Under any system we will have some properties bought that should not have been purchased, and some will be declined that should have been bought.

Mr. Fitzgerald-—Block every man from getting a transfer if he has already sufficient.

The MINISTER of REPATRIATION—I am endeavoring to do that, where I get a report from the Land Board that a man has more land than he ought to hold. Whilst the Jones inquiry was being held, there was very little ordinary work done in the office of the Land Board. Only formal work was done, and everything of an important nature had to be put aside. Mr. Jones was under a cloud, and it was not fair to him or the State to ask him to do important work until the inquiry was completed. When that stage was reached, and the new Board was constituted, we had two members doing the ordinary work in the office and the other three attending to the repatriation work, so far as the valuation of land was concerned. Unfortunately, one member of the Board doing inside work fell ill, and for many weeks was confined to his home. When he subsequently returned to the office his medical adviser told him to give up the particular class of work that he had been doing and return to the survey work which he had previously been engaged in. It is only within the last two months that that a successor to Mr. Harcus, who fell ill, has been appointed.

Now the ordinary work of the Board is going forward much more rapidly than during the period of the Jones inquiry and the illness of Mr. Harcus. It is quite impossible for the three members of the Land Board who are doing repatriation work to attempt to do anything in the office beyond just an occasional glance at some of the more important work which is done by the inside men. I wish to pay a tribute of praise to the splendid work done by the three members of the Board who are doing repatriation work. They may have made mistakes. Well, we are all fallible and all likely to make mistakes. They have certainly done their very best, and during the whole period they have been engaged on this work have bent their energies to it uncomplainingly. They see very little of their homes, as they travel from Mount Gambier to the Far North, and as soon as they have gone the round of the districts they commence again at No. 1 district. At the time the Board was appointed and even to-day the Government, on principle, was opposed to buy­ing one farmer out and putting in another. Land settlement on those lines would not be very rapid in South Australia.

Mr. Chapman—You propose to take land away from a farmer with six sons and not leave him enough land for his six sons and to put a soldier on.

The MINISTER of REPATRIATION—The honorable member is not entitled to make that remark. Mr. Chapman has put up a hypothetical case of a farmer with six sons. If they were all cold footers I would give preference to a returned soldier every time, but there is nothing in the Bill that provides for what he says; therefore I am not proposing it.

Mr. Chapman—There is nothing in the Bill to provide for them if they had been to the front.

Mr. Reidy—If they had been to the front the Bill would provide for them.

The MINISTER of REPATRIATION—If it can be proved that a man has six sons who have been to the front, and they are working on the estate, which is reasonably cut up and reasonably worked, the estate under this Bill will not be touched. I advise Mr. Chapman to read the Bill, and then he will be acquainted with its provisions. I was saying that it was not the policy of the Government to buy out one farmer and put in another. The object of course is that if an estate can be purchased, which will support two men, to purchase it and subdivide it, and if it will carry more than two men so much the better. But owing to the fact that the number of men applying for land is so enormous, we have modified that policy to a great extent, and the amount of money expended in buying land, inclusive of subdivisional estates, is up to the present about £1,000,000, and inclusive of the amount expended in the purchase of stock and implements it is about £1,250,000. That is for returned soldiers alone. We have done very little for ordinary civilian land settlement in this State during the last two or three years. Now we propose to meet the difficulty by amending the Act. I am quite prepared to believe that some members of this House have been honestly opposed to compulsory purchase. But I ask them to view the position as it appeals to us to-day.

Mr. Gunn—There is nothing in this Bill to be frightened of.

The MINISTER of REPATRIATION—I do not think there is. I take it from the honorable member’s remark that he does not approve of the Bill. I do not know that we need frighten people.

Mr. Reidy—He means that it does not go far enough in the right direction.

The MINISTER of REPATRIATION—Well I shall be pleased to hear the honorable member’s views when he addresses himself to the measure. I have heard a great deal about the New Zealand system. What is the New Zealand system, can any member tell me?

Capt. Denny—You have advocated it yourself often.

The MINISTER of REPATRIATION—Can the honorable member tell me?

Capt. Denny—I can exactly, but you have stated it yourself on the platform hundreds of times. '

The MINISTER of REPATRIATION—And probably was just as much in error as to what that system was as the honorable member is to-day. As a matter of fact the system that was advocated at the time the honorable members refers to is not the New Zealand system. I know what members opposite have in mind —the question of the assessed value plus 10 per cent. Is that the New Zealand system?

Mr. Reidy—It is a portion of the system.

The MINISTER of REPATRIATION—In New Zealand they have a Land Valuation Act, and I am hoping that some day we will have a Land Valuation Act in this State, under which our lands will be valued for all purposes —Federal, State, and municipal Council. That is what they have in New Zealand. I can quite believe, that some members will not approve of compulsorily, acquiring large estates.

Mr. Gunn—It is only a bogey you are setting up; they will approve of this Bill all right.

The MINISTER of REPATRIATION—I ask members to consider the position to-day as compared with what it was years ago. The whole world has changed, and if we are wise we will go out to meet these changed conditions, and this is one of the ways we can do so. What have these men done for us? They voluntarily offered their services and went to the front. Many of them have come back physically defective, and will never again be the men they were. Others have fortunately come back unscathed. These men have come back to us, and want to be settled on the land. We find that we have some large estates capable of subdivision, and which are not to-day being put to the fullest use they could be put to.

Capt. Denny—Can you give us any idea how much land the Bill will make available?

The MINISTER of REPATRIATION—I have not the figures.

Mr. Young—Have you any estates at all in your mind which will come under the Bill?

The MINISTER of REPATRIATION—! have.

Mr. Young—Will you give us them then?

The MINISTER of REPATRIATION—No, because I do not think it would be fair to do so.

Capt. Denny-—Can you give us the aggregate acreage of the land which will be made available ?

The MINISTER of REPATRIATION—No, I have not gone into that.

Capt. Denny—I think it very improbable that any estate will come under this Bill.

The MINISTER of REPATRIATION— There are estates, but I do not think members should ask me to mention the estates which could be repurchased under this Bill. I want members to approve the principle. It is impossible for me to give the number of estates that will come, under the Bill. If this Bill passes we shall call for a return showing the number of estates and acreage.

Capt. Denny—Why not give the particulars to members now?

The MINISTER of REPATRIATION—I do not propose at this juncture to give any indication as to how many acres will be made available under the Bill. I only make this statement, that there are estates that are capable of subdivision. There may be some farmers who do very little themselves, and own perhaps five or six farms. In the aggregate those farms will come under this Bill, though each of the farms may probably not be worth more than £3,000 or £4,000. The. next amendment is one of importance in so far as it deals with an increase in the number of the members of the Land Board. Previously the Board has had too much to do. I want to pay a word of praise to Mr. Reidy and Mr. Petherick, because they were the first last session to point out that no Board was capable of going all over the State of South Australia and giving the actual value of the land. The amendment provides that a local valuator shall be appointed in each subdivision. Probably the State will be divided into live subdivisions. We do not propose to appoint a valuator on the West Coast at present. Probably the man who takes in Yorke Peninsula will do the West Coast work.

Mr. Chapman—You want a man there with local knowledge.

The MINISTER of REPATRIATION— From what I know of the honorable member I should judge he would be most suitable for the position. We will divide the South-East into two districts, and have a central, lower, and upper north district. A local valuator will be appointed in each of these districts, and for the purpose of soldier settlements he will work with the other members of the Board. All offers of land in his district will be sent to the local valuator. He will tabulate them and make a preliminary inspection. When the Board arrives in the district he will be with them with all his local knowledge and assist them in arriving at a decision. Instead of having one Board to undertake the work throughout the State we will have two complete Boards, and I think we will be able to do the work in a third of the time we take to-day. The Board’s decisions will be final. At present it takes about 10 weeks for the Board to traverse the whole State, but under the new system that work-will be done in a third of the time. Under the new proposal, say that Mr. Jones is appointed the local valuator in No. 1 district, and we have 15 offers of land in that district, they will all be forwarded to Mr. Jones with the plan and details. He will tabulate them and make a preliminary inspection. Then two members of the Board—a member of the Board and the Inspector of Lands—will meet the local valuator and come to a- decision upon the offers. That will be final, and it will be sent to the Land Settlement Committee, and if they approve, the matter will go on to Cabinet. When these members of the Board have finished with No. 1. district they will go on to each of the other districts in rotation.

Mr. Fitzgerald—How do you define the man who is able to take advantage of this Bill?

The MINISTER of REPATRIATION—The men who can take advantage of the measure must be discharged soldiers who have served outside Australia, but who have enlisted from any part of the Empire. It does not include munition, workers. I want to say something about the Mount Crawford Estate, about which several statements have been made in another place. The Government have been accused of causing great delay in connection with this, but we did not get possession of the estate until May. A long time prior to that an inspection was made by the officers of different departments, including members of the Land Board, to see whether the estate was capable of being utilised as a soldiers’ settlement. Subsequently a conference was held, and the unanimous opinion of the Government experts was that the land was unsuitable for that purpose. The next best thing was to hand it over to the Forest Department for forestry purposes, because as honorable members know, nearly the whole of the estate is in the watershed of the Warren Reservoir. It was only in May that we got possession of it, and prior to that

the Government had decided that it was not fit for soldiers. You can use it for grazing, but it would be more valuable for forestry, but we must remember that whatever we do with the land it is under the supervision of the Hydraulic Engineer, and he has stringent provisions in his Act against many things a settler might require to do on his block. Subsequently further information was obtained, and finally it was agreed to recommend that about two-thirds of the land should be handed over for forestry purposes, and a third of the land be set apart for soldiers’ settlements. Immediately that decision was arrived at we set to work with surveyors to subdivide it for that purpose. There has been no delay so far as the Government are concerned. If the experts had recommended it as land suitable for soldiers settlement in the first place, we would have got to work immediately we secured possession of the place. I do not know how many soldiers can be accommodated until the land is subdivided, but I think only 2,700 acres are available for the soldiers. The estate was bought from Mr. Murray because of the Warren Reservoir. In the first place he wanted more than, the price that was finally paid for the whole estate for the land that was required for the reservoir, and eventually the Government bought the whole estate at much less than Mr. Murray wanted for 167 acres. In regard, to the Mount Remarkable Estate, this land has been subdivided, but as far as the Hummocks is concerned, I admit we owe an apology to the returned soldiers. We have to provide a water service there which will not only be of value to the Hummocks Estate, but also to adjacent settlers. I hope honorable members will look all round this question. Important issues are raised in this Bill, and some honorable members may find it dif­ficult to abandon their old ideas against compulsory repurchase. The Government are earnest in their desire to establish returned soldiers in civil life as early as possible. One means is to have land settlement. Not having sufficient land suitable, we have resorted to this measure in order to secure land. This principle is the law of the land in every country in the world, including New Zealand. South Australia has lagged behind, but now we have an opportunity to go ahead, and to say that, so far as returned soldiers are concerned, every acre of land in South Australia, so long as it is not being put to its fullest use, shall be made available to the soldiers. We have drawn a line, and I do not think honorable members will complain when we have provided that out of an estate of £20,000, £15,000 worth can be acquired, leaving £5,000 of land and the homestead to the present occupier.

Mr. Gunn—If a man has £20,000 worth of property you bring him back to £5,000, but a man with £15,000 worth will escape. Is not that an anomaly!

The MINISTER of REPATRIATION—It may be so, but the whole of the circumstances must be considered. That is a matter that can be dealt with in Committee. I have pleasure in moving the second reading of the Bill, and hope it will have a quick passage.

Mr. YOUNG—This Bill will need a good deal of touching up before it is passed. It contains clauses absolutely unfair to the land owner. The Minister should have informed us how much land has been offered to the Government, so that we might know whether the measure was really necessary. We know that over 2,000 pro­perties have been offered, and I have been trying to find out for a considerable time how many of the rejected properties have been inspected.

The Minister of Repatriation—That information will be available in a day or two.

Mr. YOUNG—We should also be given an indication as to how much land could be acquired under this measure. An estate over £15,000 in value, could be acquired by the Government, leaving only £5,000 worth to the owner. That means that in £10 an acre country he would only have 500 acres left, and that is not enough. On the other hand an estate of the value of £14,000 could not be touched. The most unfair part of the Bill is that the property must be valued, by Government valuators. Mistakes are bound to occur under such a system.

Mr. Petheriek—I would suggest an amendment, so that £15,000 worth of land would be left.

Mr. YOUNG—I would agree to that. So far as we can see plenty of land was offered to the Government, and we do not know' whether they will be able to find all the money the Bill will give them power to spend.

Mr. O’Connor—Will this Bill cheapen land?

Mr. YOUNG—I am afraid the landowner will be robbed if we do not look out. A Government valuator works only from the standpoint of the Government. In England where they acquire land, compulsorily, it is customary to offer 5s. an acre. We cannot attach any importance to the first offer made on behalf of the Government. Under this Bill there is no right to appeal to the Supreme Court, except on a matter of law. The Government are to appoint their own arbitrators, who will fix the price. I take it that the same arbitrators will be employed over and over again-whenever they are wanted. The Bill-speaks of salaries or fees for them.

Mr. Gunn—There is nothing to say their positions will be permanent.

Mr. YOUNG—Nor is there anything to say they will not. I contend that landowners should have the right, as at present, to appeal to the Supreme Court if they are not satisfied with the valuation. We know very well the Government valuator will not always recognise the true value of a property. Then the Government can give a man notice that they want a certain property, and he can say, “I will retain £5,000 worth,’’ but he must have it in one or two blocks. I do not see the necessity for specifying that the land he wishes to retain must be in one or two blocks. It might happen to suit his convenience that it should be in two or three blocks, and I can see no need for the provision in the Bill. Regarding clause 13, I know of cases where estates are held by three or four members of the same family, but under the provisions of the Bill the Government could give notice to one of the members of the family and take his land away from him, with the result that the whole of the estate might be detrimentally affected. It might be impossible to work the land without that one individual’s property, and therefore I think that where the Government in such cases take away a part of an estate, no matter whether owned by one member or the family, they should be compelled to take the whole of it. I have in mind an estate which is owned separately by two or three brothers of the one family, and under this Bill the Government could go to one member of the family and say we want your portion of the estate. That might happen to be the best part of the estate, and it might mean that the land on either side might be made unworkable. I maintain that in cases like that the Government should acquire the whole of the estate. I think an amendment should be inserted to this effect:—

Should the estate be the property and in the name of more than one person, but worked as one estate, then the owners may require the Minister to acquire the whole of the estate.

The Attorney-General—They can if it is held as one property.

The Minister of Repatriation—If they are joint owners they can force the Government to take the land.

Mr. YOUNG—In the case I have in mind they are not joint owners, except that they are working the land as joint owners. They each separately hold portion of the estate. That, together with the fact that the Bill deprives the owners of the right to go to the Supreme Court in ease of dispute, makes me hope that, the members will see the injustice of a Bill of this character.

Mr. GUNN secured the adjournment of the debate until August 20.