

WAR SERVICE HOMES.

No. 35 of 1920.

An Act to amend the *War Service Homes Act*
1918-1919.

[Assented to 19th October, 1920.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title and citation.

1.—(1.) This Act may be cited as the *War Service Homes Act* 1920.

(2.) The *War Service Homes Act* 1918-1919 is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *War Service Homes Act* 1918-1920.

Definitions.

2. Section four of the Principal Act is amended—

- (a) by inserting in paragraph (a) of the definition of "Australian soldier" after the word "Australia" (first occurring) the words "enlisted or appointed for or";
- (b) by omitting from paragraph (b) of the definition of "Australian soldier" the words "and was employed on active service outside Australia";
- (c) by omitting the definition of "Eligible person" and inserting in its stead the following definition:—

" 'Eligible person' means a person who—

- (a) is an Australian soldier ;
- (b) is a munition worker ;
- (c) is a war worker ;
- (d) is a member of the Young Men's Christian Association who was accepted for service with and served abroad with the Naval or Military Forces of Australia as a representative of that Association ; or
- (e) has been awarded, in respect of his employment during the war which commenced in the year One thousand nine hundred and fourteen, the Australian Mercantile Marine War Zone Badge, or the British Mercantile Marine Medal ; and was during such employment domiciled in Australia ;

and who satisfies the Commissioner that he is married or is about to marry, or has dependants for whom it is

necessary for him to maintain a home; and includes the female dependant of any person specified in paragraph (a), (b), (c), (d) or (e) of this definition;";

(d) by omitting the definition of "Female dependant" and inserting in its stead the following definition:—

"'Female dependant' means—

- (a) the widow of a person specified in paragraph (a), (b), (c), (d) or (e) of the definition of "Eligible person"; and
- (b) the mother of any deceased unmarried person so specified:

Provided that—

- (i) she is a widow and was, prior to the appointment, enlistment, acceptance or employment, as the case may be, of the person so specified, dependent upon him; or
- (ii) her husband is so incapacitated as to be unable to contribute materially to her support;"; and
- (e) by omitting the definition of "Owner" and inserting in its stead the following definition:—

"'Owner' in relation to land, includes every person who has purchased land on credit or deferred payment, and has obtained possession of the land, and, in relation to a dwelling-house, includes any person who has purchased or contracted to purchase a dwelling-house together with the land on which it is erected;".

3. After section fourteen of the Principal Act the following section is inserted:—

"14A. Before exercising any power under this Act in connexion with the acquisition of land or building material or with any contracts incidental thereto, the Commissioner shall, if the exercise of the power involves the expenditure of more than Five thousand pounds, submit his proposal for the approval of the Minister."

Expenditure above £5,000 to be approved by Minister.

4. Section sixteen of the Principal Act is amended by omitting sub-section (5.) thereof.

Approval of Minister to expenditure for acquisition of land.

5. After section seventeen of the Principal Act the following section is inserted:—

"17A.—(1.) The Commissioner may erect, complete or enlarge, for eligible persons, dwelling-houses on land owned by them or may enter into contracts for the erection, completion or enlargement of dwelling-houses on such land.

Power to erect houses on land owned by applicants.

(2.) Where the Commissioner erects, completes or enlarges or enters into a contract for the erection, completion or enlargement of, a dwelling-house in pursuance of this section, he may require the owner of the land to give such security as he thinks necessary for the repayment of the amount expended by him in the erection, completion or enlargement of the dwelling-house."

Sale of dwelling-houses.

6. Section nineteen of the Principal Act is amended—

- (a) by omitting from sub-section (1.) thereof the words “ who is not the owner of a dwelling-house within Australia or elsewhere ” ; and
- (b) by omitting sub-section (1A.) thereof and inserting in its stead the following sub-section :—

“ (1A.) Notwithstanding anything contained in the last preceding sub-section—

- (a) where a person is included in paragraph (b) or (d) of the definition of ‘ Australian soldier ’ in section four of this Act, the Commissioner may sell to her either alone, or jointly with other persons similarly eligible under this sub-section a building, acquired or erected in pursuance of the last preceding Part, to be used by the purchaser as a hospital, sanatorium or nursing home, together with the land on which the building is erected ; and
- (b) where an eligible person who is married is temporarily or permanently insane, the Commissioner may sell to the wife of that person a dwelling-house acquired or erected in pursuance of the last preceding Part together with the land upon which it is erected.”.

7. After section nineteen of the Principal Act the following section is inserted :—

Sale of house only to person not already an owner.

“ 19A. A dwelling-house shall not be sold in pursuance of this Part to any person unless the Commissioner is satisfied that—

- (a) except in the case of a sale effected in pursuance of paragraph (a) of sub-section (1A.) of the last preceding section, the dwelling-house is intended to be used by the person as a home for himself and his dependants ; or
- (b) neither the person, nor the wife or husband (if any) of that person, is the owner of any other dwelling-house.”.

Advances to acquire land, &c.

8. Section twenty of the Principal Act is amended by adding at the end thereof the following sub-section :—

“ (3.) Notwithstanding anything contained in sub-section (1.) of this section, the Commissioner may, upon application in writing, make an advance, for the purposes specified in that sub-section to the wife of an eligible person who is temporarily or permanently insane.”.

Advance for purposes of home only to person not already an owner.

9. Section twenty-three of the Principal Act is amended—

- (a) by inserting in paragraph (a) thereof, before the words “ the dwelling-house ”, the words “ except in the case of an advance made in pursuance of sub-section (2.) of section twenty of this Act,” ; and
- (b) by omitting from paragraph (b) thereof the words “ his wife (if any) ” and inserting in their stead the words “ the wife or husband (if any) of that person ”.

10. After section twenty-eight of the Principal Act the following section is inserted :—

“28A.—(1.) Notwithstanding anything contained in this Act, the total cost to the Commissioner of any dwelling-house erected by him, or the amount of any advance made, in pursuance of this Act, may, if, in the opinion of the Commissioner, the circumstances of any case justify the excess, exceed Seven hundred pounds but shall not exceed Eight hundred pounds.

Limit of expenditure.

“(2.) The provisions of this section shall extend to dwelling-houses which are, at the commencement of this section, in course of erection and

(a) which are erected by the Commissioner ; or

(b) in respect of which an advance has been made by the Commissioner.”.

11. Section twenty-nine of the Principal Act is amended by adding at the end thereof the following sub-section :—

“(4.) If at any time the deposits and interest accumulated to the credit of a purchaser or borrower under this section amount to such sum as is not less than the capitalized value of the whole of the existing and future liability of the purchaser or borrower in connexion with a contract of sale or an advance, the Commissioner may forthwith apply that sum in discharge of the liability of the purchaser or borrower, and may grant a transfer of the property in respect of which the contract of sale was entered into or a discharge of the mortgage on the property in respect of which the advance was made, as the case may be :

Discharge of total remaining liability of purchaser or borrower.

Provided that where the liability of a purchaser or borrower is discharged, in pursuance of this sub-section, within five years of the date of the contract of sale or of the making of the advance, the Commissioner may, prior to the expiration of that period of five years, refuse to grant a transfer of the property or a release of the mortgage, as the case may be.”.

12. After section twenty-nine of the Principal Act the following section is inserted :—

“29A. In the event of a purchaser or borrower being desirous of disposing of his interest in any property in respect of which a contract of sale has been entered into, or an advance made, by the Commissioner under this Act, the Commissioner may purchase the interest at such price as is agreed upon, and may, subject to this Act, dispose of the property to any eligible person :

Commissioner may purchase and dispose of purchasers' or borrowers' interest.

Provided that the price paid by the Commissioner in the purchase under this section of the interest of a purchaser or borrower in any property shall not exceed the sum of the following amounts :—

(a) the amount paid as purchase money by the purchaser or borrower to the Commissioner or other person from whom the property was purchased by the purchaser or borrower ;

- (b) the amount paid by the purchaser or borrower to the Commissioner in repayment of an advance made by him ; and
 (c) the value of improvements made by the purchaser or borrower.”

Commissioner may call up advances where security transferred to ineligible person.

13. Section thirty-five of the Principal Act is amended—

- (a) by inserting in sub-section (1.) thereof, after the words “transfer by” the words “or to” ; and
 (b) by inserting therein after sub-section (1.) the following sub-section:—

“(1A.) Where a transfer of any land or land and dwelling-house or of any estate or interest therein is made, in pursuance of paragraph (b) of the last preceding sub-section, to a person who is not an eligible person, the Commissioner may by notice in writing to the transferor call up the whole of the moneys secured under any contract of sale, mortgage or other security held by the Commissioner in respect of the land or land and dwelling-house, and thereupon those moneys shall become due and payable.”

14. After section thirty-six of the Principal Act the following section is inserted:—

Retransfer to Commissioner where beneficiaries marry.

“36A.—(1.) Where a person to whom the Commissioner has, in pursuance of this Act, sold a dwelling-house or made an advance, marries a person to whom also the Commissioner has sold a dwelling-house or made an advance, the Commissioner may, by notice in writing, require one of those persons, if that person has not paid to the Commissioner the purchase money in full, or repaid the advance, as the case may be, to transfer his interest in the dwelling-house or repay the unpaid balance of the advance to the Commissioner and thereupon that person shall accordingly transfer his interest or repay the unpaid balance of his advance, as the case may be.

(2.) Upon the transfer to the Commissioner, in pursuance of this section, of the interest of a purchaser in a dwelling-house, the Commissioner shall pay to the purchaser the amount paid by him, as purchase money, either to the Commissioner or other person from whom the property was purchased by the purchaser, together with the value of any improvements effected by the purchaser less an amount representing the rent, during the period he has been in occupation of the dwelling-house, at a rate fixed by the Commissioner, but not exceeding the rate of the instalments payable by the purchaser under the contract of sale.”

War Service Homes Trust Account.

15. Section thirty-nine of the Principal Act is amended by adding at the end of sub-section (2.) thereof the following proviso:—

“Provided that the Treasurer may at any time direct that the whole or part of any moneys which by paragraph (c) of this sub-section are directed to be credited to that Trust Account shall be paid to the Treasurer for credit to the Loans Sinking Fund, and any moneys so paid to the Treasurer shall be credited to that Fund.”

16. After section 50A of the Principal Act the following section is inserted :—

“ 50B.—(1.) The Commissioner shall as soon as possible after the close of each financial year furnish to the Minister for presentation to the Parliament—

Annual
report by
Commissioner.

- (a) a report on the administration and operation of this Act showing particularly, in respect of each State—
- (i) the number of applications for homes and advances received and dealt with ;
 - (ii) the number of homes erected ; and
 - (iii) the average cost of each home erected ;
- (b) a balance-sheet showing cash and stocks on hand and an account of moneys received and expended during that year ; and
- (c) a balance-sheet showing trading operations in connexion with all industrial or manufacturing concerns acquired by the Commissioner, and a profit and loss account in respect of each such concern.

(2.) The annual report shall be laid before both Houses of Parliament within fourteen days after its receipt by the Minister if the Parliament is then sitting, or if the Parliament is not then sitting, within fourteen days after the next meeting of Parliament.”.

KALGOORLIE TO PORT AUGUSTA RAILWAY LANDS.

No. 36 of 1920.

An Act to amend the *Kalgoorlie to Port Augusta
Railway Lands Act 1918.*

[Assented to 20th October, 1920.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Kalgoorlie to Port Augusta Railway Lands Act 1920.*

(2.) The *Kalgoorlie to Port Augusta Railway Lands Act 1918*, as amended by this Act, may be cited as the *Kalgoorlie to Port Augusta Railway Lands Act 1918-1920.*

Short title and
citation.