

- (b) by inserting in sub-section (2.), after the words "erection upon", the words "or laying under"; and
- (c) by inserting in sub-section (2.), after the words "telegraph line", the words "whether erected or laid before or after the commencement of this Act,".

7. After section eighty-five of the Principal Act, the following section is inserted :—

Removal of line consequent upon opening of new roads.

"85A. Where subsequently to the erection of a telegraph line, whether erected before or after the commencement of this Act, it becomes necessary, owing to the subdivision of any land, to remove the line or any pole, the cost of such removal shall be borne by the person responsible for the subdivision of the land."

## WAR SERVICE HOMES.

No. 18 of 1923.

An Act to amend the *War Service Homes Act 1918-1920*.

[Assented to 1st September, 1923.]

**B**E 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 1923*.  
 (2.) The *War Service Homes Act 1918-1920* 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 1918-1923*.

Definition of dwelling-house.

2. Section four of the Principal Act is amended by omitting therefrom the definition of "Dwelling-house" and inserting in its stead the following definition :—

" 'Dwelling-house' includes—

- (a) a house or building used or to be used by a person, who is included in paragraph (b) or (d) of the definition of 'Australian Soldier', as a hospital, sanatorium or nursing home; and

(b) the appurtenances, outbuildings, fences, and permanent provision for lighting, water supply, drainage and sewerage provided in connexion with a dwelling-house,

but does not include any land ;”.

3. Section eight of the Principal Act is amended—

Tenure of Commissioners.

- (a) by omitting from sub-section (1.) thereof the words “ of seven ” and inserting in their stead the words “ not exceeding three ” ; and
- (b) by omitting from sub-section (2.) thereof the word “ seven ” and inserting in its stead the word “ three ”.

4. Section fourteen A of the Principal Act is amended—

Approval by Minister of expenditure.

- (a) by omitting therefrom the word “ Five ” and inserting in its stead the word “ Two ” ; and
- (b) by inserting therein, after the word “ for ”, the words “, and obtain,”.

5. Section sixteen of the Principal Act is amended—

Determination of cost of lots in subdivision of land.

- (a) by omitting from sub-section (4.) thereof the words “ determine the cost of each lot, having regard to its size and to its position in the subdivision, but the aggregate cost of all the lots as so determined shall be equal to the total cost of all the land including that which is reserved for streets and other purposes ” and inserting in their stead the words “, from time to time, determine the fair value of all or any of the lots into which the land is subdivided ” ; and

(b) by adding at the end thereof the following sub-section :—

“(5.) In determining under the last preceding sub-section the fair value of each lot the Commissioner shall have regard to the size of the lot and its position in the subdivision and shall apportion to the lot its share in the cost of draining, and making streets in, the land subdivided, but the total value so determined of the lots into which the land is subdivided shall not exceed the cost to the Commissioner of that land together with the cost of subdividing, draining and making streets in the land.”.

6. After section sixteen of the Principal Act the following section is inserted :—

“16A. Notwithstanding anything contained in this Act, the Commissioner shall not, except with the approval in writing of the Minister, acquire any land—

Restrictions as to land purchase.

- (a) not immediately required for the erection of dwelling-houses ; or
- (b) unless an application under this Act has been made in respect of that land.”.

Total cost of  
land and  
dwelling-house.

7.—(1.) Section eighteen of the Principal Act is amended—

- (a) by inserting therein, after the word “erected” (second occurring), the words “but not including any cost incurred under section eighteen A of this Act,”;
- (b) by omitting the words “the next succeeding”; and
- (c) by inserting after the word “section” the words “nineteen of this Act”.

(2.) Paragraph (a) of sub-section (1.) of this section shall be deemed to have commenced on the sixth day of March, One thousand nine hundred and nineteen.

8.—(1.) After section eighteen of the Principal Act the following section is inserted :—

Arrangements  
for sewerage,  
water, gas and  
electric services.

“18A.—(1.) The Commissioner may, with the approval of the Minister, enter into an arrangement—

- (a) for the making of roads or other facilities affording access to dwelling-houses acquired, erected or to be erected in pursuance of this Act ;
- (b) for connecting any such dwelling-houses with sewerage, drainage, water, gas and electric power and lighting systems ; and
- (c) for establishing or extending such systems to connect with any such dwelling-houses ;

and may allot to each dwelling-house having the benefit of the arrangement such proportion of the cost incurred by the Commissioner under the arrangement as the Commissioner deems just.

“(2.) Any cost allotted to any dwelling-house under this section shall be a charge against the purchaser of, or borrower in respect of, that dwelling-house and the Commissioner may require him to refund the amount of such cost by such instalments as the Commissioner determines.”.

(2.) This section shall be deemed to have commenced on the sixth day of March, One thousand nine hundred and nineteen.

Deposits by  
applicants.

9. Section nineteen of the Principal Act is amended—

- (a) by omitting sub-sections (3.) and (4.) thereof and inserting in their stead the following sub-section :—

“(3.) In any case where the Commissioner considers that course necessary, he shall—

- (a) in respect of the sale to an eligible person of a dwelling-house together with the land on which it is erected, require a deposit from that person of an amount not more than five per centum of the capital cost to the Commissioner of the dwelling-house and land ; and
- (b) in the case of the erection by the Commissioner of a house for an eligible person on land belonging to that person, where the value of the land is less than five per centum of the cost of erecting the house, require a deposit from that person of an amount not more than that by which the value of the land falls short of that cost.”.

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

“ 19B. The Commissioner shall not, except with the approval of the Minister—

Only one house to be sold to each eligible person.

(a) erect more than one dwelling-house for, or

(b) sell more than one dwelling-house including the land upon which it is erected to,

any one eligible person, and shall not erect a dwelling for, or sell a dwelling-house to, any person to whom an advance has been made in pursuance of this Act.”

11. After section twenty of the Principal Act the following section is inserted :—

“ 20A. The Commissioner shall not, except with the approval of the Minister—

Advances to an eligible person to be in respect of one property only.

(a) make advances to any one eligible person in respect of more than one property; or

(b) make an advance to a person for or to whom a dwelling-house has been erected or sold in pursuance of this Act except in respect of that dwelling-house.”

12. Section twenty-one of the Principal Act is amended—

Maximum advance.

(a) by omitting from sub-section (1.) thereof the words “ the last preceding ” ; and

(b) by inserting in sub-section (1.) thereof after the word “ section ” the words “ twenty of this Act ”.

13. Section twenty-eight of the Principal Act is amended by adding at the end thereof the words “ , or in any case where, in his opinion, it is undesirable to enter into the contract or make the advance ”.

Discretion of Commissioner as to making of advances, &c

14.—(1.) Section twenty-eight A of the Principal Act is amended by inserting in sub-section (1.) thereof after the word “ him,”, the words “ not including any cost incurred under section eighteen A of this Act,”.

Limit of expenditure.

(2.) This section shall be deemed to have commenced on the sixth day of March, One thousand nine hundred and nineteen.

15.—(1.) After section twenty-eight A of the Principal Act the following section is inserted :—

“ 28B. Where a dwelling-house and land have been sold by the Commissioner and have, through failure of the purchaser to complete the purchase or other cause, reverted to the Commissioner, he may, notwithstanding anything contained in this Act, re-sell the dwelling-house and land at their valuation at the date of the re-sale.”

Re-sales may be at valuation.

(2.) This section shall be deemed to have commenced on the sixth day of March, One thousand nine hundred and nineteen.

Purchase money  
or advance,  
how payable  
or repayable.

16. Section twenty-nine of the Principal Act is amended—

- (a) by inserting in sub-section (1.) thereof, after the word "case" (first occurring) the words " , unless the Minister otherwise directs," ; and
- (b) by inserting at the end of sub-section (1.) thereof the following proviso :—

" Provided that where the person to whom the dwelling-house is sold or the advance made or for whom the dwelling-house is erected is the widow or widowed mother of an Australian Soldier, the period during which instalments shall be repayable may exceed the periods respectively specified in paragraphs (a), (b) and (c) of this sub-section, but shall not, in the case of a dwelling-house to which paragraph (a) or (c) applies, exceed fifty years, nor, in the case of a dwelling-house to which paragraph (b) applies, exceed forty years."

Purchaser or  
borrower may  
occupy dwelling-  
house as tenant  
of  
Commissioner.

17. Section thirty A of the Principal Act is amended by omitting sub-section (2.) thereof and inserting in its stead the following sub-sections :—

" (2.) Should the purchaser or borrower fail to comply with such terms and conditions, the Commissioner may—

- (a) exercise the powers conferred upon the Commissioner by this Act or the regulations, or the contract of sale, mortgage or other security ; or
- (b) determine the tenancy.

" (3.) Where the Commissioner determines a tenancy in pursuance of the last preceding sub-section, any court of summary jurisdiction may, upon application made to it by the Commissioner, issue a warrant directed to such person as the Court thinks fit, requiring him, within a period to be specified in the warrant, to enter (if need be by force) into the dwelling house and land, the subject of the tenancy, and to give possession of the same to the Commissioner ; and the warrant shall be a sufficient authority to the person to whom it is directed to enter upon the dwelling-house and land with such assistance as he deems necessary, and to give possession accordingly."

Letting by  
purchaser  
or borrower.

18. Section thirty-two of the Principal Act is amended—

- (a) by omitting the words " let sublet or mortgaged and possession thereof, shall not be parted with " and inserting in their stead the words " mortgaged, and, in the case of a dwelling-house, shall not be left unoccupied " ;
- (b) by omitting the words " lease, sub-lease," ; and
- (c) by omitting the words " lets sublets or mortgages or parts with the possession of the land or land and dwelling-house, or any part thereof," and inserting in their stead the words " mortgages the land or land and dwelling-house or any part thereof or leaves the dwelling-house unoccupied " .

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

(a) by omitting paragraphs (a) and (b) of sub-section (2.) thereof and inserting in their stead the following paragraphs:—

“(a) where the proposed transferee is an eligible person approved by the Commissioner—such conditions as the Commissioner determines; and

(b) where the proposed transferee is not an eligible person, or is an eligible person not approved under the last preceding paragraph—the condition that the whole of the moneys secured under the contract of sale, mortgage or other security held by the Commissioner in respect of the land or land and dwelling-house, have been paid to the Commissioner.”; and

(b) by omitting sub-section (3.) thereof.

Sale by purchaser or borrower

20. Section thirty-six of the Principal Act is amended—

(a) by inserting in paragraph (b) of sub-section (1.) thereof after the word “borrower” (first occurring) the words “after giving to him such notice of the time, place, terms and conditions of sale as the Commissioner thinks just and expedient.”; and

(b) by omitting from paragraph (b) of sub-section (1.) thereof the words “after giving to the borrower such notice of the time, place, terms and conditions of sale as he thinks just and expedient.”.

Notice of sale.

21. Section thirty-six A of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(3.) Where a person refuses or fails to transfer his interest to the Commissioner or to repay the balance of his advance after being required to do so in pursuance of sub-section (1.) of this section, the Commissioner shall have the same powers in relation to the land or land and dwelling-house sold by the Commissioner to that person or upon which the Commissioner has made an advance to that person, as are conferred upon him by section thirty-six of this Act.”.

Powers of Commissioner where beneficiaries marry.

22.—(1.) After section forty-eight of the Principal Act the following section is inserted:—

“48A. The Commissioner shall not be liable to pay any rates imposed by or under any State Act in respect of any unoccupied property owned by him.”

(2.) This section shall be deemed to have commenced on the sixth day of March, One thousand nine hundred and nineteen.

Immunity of Commissioner from certain rates under State law.

23.—(1.) After section forty-eight A of the Principal Act, as amended by this Act, the following section is inserted:—

“48B.—(1.) Where any property of the Commissioner is upon any land either not belonging to the Commissioner, or belonging to

Power of Commissioner to enter land and take his property.

the Commissioner and in occupation by some other person, he may, by himself or by such agents, servants and workmen as he thinks necessary for the purpose, enter upon that land and remove his property therefrom, and, for the purpose of such removal, utilize any road, railway, tramway or other facility of transport upon the land.

(2.) The owner or lessee or person in occupation of any land entered upon in pursuance of this section shall be entitled to such amount by way of compensation in respect of any damage suffered by him in respect of the entry or user of facilities of transport as is mutually agreed upon, or, in default of agreement, as is determined by arbitration in accordance with the law of the State in which the land is situate."

(2.) This section shall be deemed to have commenced on the first day of January, One thousand nine hundred and twenty-three.

Arrangements  
with State  
Governments.

24. Section fifty of the Principal Act is amended by inserting in sub-section (1.) thereof, after the words "arrange with" the words "the Government of a State or".

Advances in  
excess of  
statutory limit.

25. The Commissioner is indemnified in respect of any advance made by him for the purposes of the Principal Act prior to the commencement of this Act which was in excess of the maximum allowed by law at the time the advance was made, and any such advance so made shall be deemed to have been lawfully made and the conditions thereof shall be effectual and binding upon the person to whom it was made.

## ADVANCES TO SETTLERS.

No. 19 of 1923.

An Act to provide for the Supply of Wire Netting to Settlers.

[Assented to 1st September, 1923.]

Preamble.

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, for the purpose of appropriating the grant originated in the House of Representatives, as follows:—

Short title.

1. This Act may be cited as the *Advances to Settlers Act 1923*.

Commencement.

2. This Act shall be deemed to have commenced on the thirtieth day of June One thousand nine hundred and twenty-three.

Trust Account.

3. For the purposes of this Act there shall be established in the books of the Treasury a Trust Account which shall be known as the