

## LANDS ACQUISITION.

### No. 5 of 1932.

An Act to amend section sixty-two A of the  
*Lands Acquisition Act 1906-1916.*

[Assented to 26th March, 1932.]

**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 :—

1.—(1.) This Act may be cited as the *Lands Acquisition Act 1932.* Short title and citation.

(2.) The *Lands Acquisition Act 1906-1916\**, as amended by this Act, may be cited as the *Lands Acquisition Act 1906-1932.*

2. Section sixty-two A of the *Lands Acquisition Act 1906-1916* is amended by inserting, after the words "under this Act", the words " , or which is vested in, or has been acquired by, the Commonwealth under, or in pursuance of, section eighty-five of the Constitution,". Vesting of lands in Commonwealth authorities.

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\* Act No. 13, 1906, as amended by No. 12, 1916.

## WAR SERVICE HOMES.

### No. 6 of 1932.

An Act to amend sections thirty-one, thirty-six and forty-three of the *War Service Homes Act 1918-1929.*

[Assented to 26th March, 1932.]

**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 :—

1.—(1.) This Act may be cited as the *War Service Homes Act 1932.* Short title and citation.

(2.) The *War Service Homes Act 1918-1929\** is in this Act referred to as the Principal Act.

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Act No. 43, 1918, as amended by No. 28, 1919; No. 35, 1920; No. 18, 1923; No. 26, 1925; No. 47, 1926; No. 17, 1927; and No. 18, 1929.

(3.) The Principal Act, as amended by this Act, may be cited as the *War Service Homes Act 1918-1932*.

Property to be kept in repair until payment in full.

2. Section thirty-one of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (2.) the words "enter upon the property and"; and
- (b) by inserting in that paragraph, after the word "necessary", the words "and may for that purpose enter upon the property".

Action on instalments being overdue.

3.—(1.) Section thirty-six of the Principal Act is amended by inserting, after sub-section (1.), the following sub-sections:—

"(1A.) Notwithstanding the cancellation of any contract of sale, the Commissioner may sue for and recover from the purchaser any money which became due under the contract at any time prior to the date of cancellation of the contract.

"(1B.) For the purposes of the last preceding sub-section, where cancellation of a contract of sale takes place during any period in respect of which an instalment is accruing due, a proportionate sum shall be deemed to have fallen due up to the date of cancellation.

"(1C.) Where the Commissioner has entered upon and taken possession of any land and dwelling-house—

- (a) he may effect all repairs which he deems necessary, and the expenses thereby incurred, together with interest at the same annual rate as that which is payable on the purchase money or advance, as the case may be, shall be paid to the Commissioner by the purchaser or borrower on demand or by such instalments and at such times as are prescribed or the Commissioner determines, and until repayment shall be a charge under the contract of sale or mortgage or other security upon the property, notwithstanding that the cost to the Commissioner is thereby increased to more than Nine hundred and fifty pounds:

Provided that in respect of any repairs effected after the fifteenth day of March One thousand nine hundred and thirty-two the amount which the purchaser or borrower is liable to pay to the Commissioner under this paragraph shall not in any event exceed the sum of Forty pounds; and

- (b) if the Commissioner is satisfied that it is not possible to effect an immediate sale of the property at a reasonable price, he may let the property, upon such terms and conditions as he thinks fit, until such time as, in his opinion, it is possible to effect a sale at a reasonable price, and the rent received shall be applied in the same manner as the proceeds of any sale made in pursuance of this Part."

(2.) The amendment of the Principal Act made by sub-section (1.) of this section shall be deemed to have commenced on the date of the commencement of the *War Service Homes Act* 1918, and any action or proceeding taken or instituted, prior to the commencement of this sub-section, under the provisions of any regulation made or purporting to have been made under the *War Service Homes Act* 1918, or under that Act as amended by any subsequent Act, for the recovery of any money which became due under a contract of sale at any time prior to the date of cancellation of the contract, shall be as valid and effectual as if section thirty-six of the Principal Act, as amended by sub-section (1.) of this section, had been in force at the date of such action or proceeding, and the action or proceeding had been commenced under that section as so amended :

Provided that nothing contained in this section shall affect any judgment of the Supreme Court of a State given, prior to the commencement of this sub-section, in favour of any person in respect of his liability to pay any money which became due under a contract of sale prior to the cancellation of that contract.

4. Section forty-three of the Principal Act is repealed and the following section inserted in its stead :—

“ 43.—(1.) Any notice required by this Act to be given may be served personally or by post, and, if required to be given to a purchaser or borrower, shall be deemed to have been duly given— Service of notices.

(a) if served personally or by post upon the purchaser or borrower either at the dwelling-house purchased from, or in respect of which an advance has been made by, the Commissioner, or at the last known address of the purchaser or borrower ; or

(b) in the event of the death of the purchaser or borrower—

(i) where probate or letters of administration have been granted—if served personally or by post upon the executor or administrator of the estate of the purchaser or borrower : or

(ii) where probate or letters of administration have not been granted—if served personally or by post upon the occupier of the land or dwelling-house purchased from, or in respect of which an advance has been made by, the Commissioner, or, in the event of there being no occupier, if affixed upon some conspicuous part of the land or dwelling-house.

“ (2.) Any notice required to be given under this Act or the Regulations by the Commissioner shall be deemed to have been duly given if signed for or on behalf of the Commissioner by the holder of an office specified by the Commissioner by notice published in the *Gazette*.”.