

THE SCHEDULE—*continued.*ABSTRACT—*continued.*

	Total.
PART 2.—BUSINESS UNDERTAKINGS.	
	£
COMMONWEALTH RAILWAYS	490,000
POSTMASTER-GENERAL'S DEPARTMENT	8,664,000
TOTAL PART 2	9,154,000
PART 3.—TERRITORIES OF THE COMMONWEALTH.	
NORTHERN TERRITORY	269,000
AUSTRALIAN CAPITAL TERRITORY	210,000
PAPUA-NEW GUINEA	400,000
NORFOLK ISLAND	1,000
TOTAL PART 3	880,000
REFUNDS OF REVENUE	3,000,000
ADVANCE TO THE TREASURER	9,000,000
TOTAL	68,189,000

WAR SERVICE HOMES.

No. 38 of 1947.

An Act to amend the *War Service Homes Act* 1918-1947, and for other purposes.

[Assented to 12th June, 1947.]

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 *War Service Homes Act* 1947.

(2.) Section five of the *Commonwealth Public Service Act* 1947* is amended by omitting sub-section (3.).

(3.) The *War Service Homes Act* 1918-1946†, as amended by the *Commonwealth Public Service Act* 1947, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *War Service Homes Act* 1918-1947.

Act No. 1, 1947.

† Act No. 43, 1918, as amended by No. 28, 1919; No. 25, 1920; No. 18, 1923; No. 26, 1925; No. 47, 1926; No. 17, 1927; No. 13, 1929; Nos. 6 and 68, 1932; No. 63, 1934; No. 54, 1935; No. 25, 1937; No. 1, 1941; and No. 8, 1946.

Short title
and citation.

Commencement. 2. This Act shall come into operation on a date to be fixed by Proclamation.

References to Commissioner. 3. The Principal Act is amended by omitting the word "Commissioner" (wherever occurring) and inserting in its stead the word "Director".

Definitions. 4. Section four of the Principal Act is amended by omitting the definition of "The Commissioner" and inserting in its stead the following definition:—

" 'The Director' means the Director of War Service Homes appointed for the purposes of this Act, and includes any person for the time being performing the duties of the office of Director of War Service Homes ; ”.

5. After section four of the Principal Act the following section is inserted in Part I. :—

Eligible person and spouse may be treated together as eligible person.

" 4A.—(1.) The Director may, in his discretion, treat an eligible person and the wife or husband of that eligible person together as an eligible person for the purposes of this Act, and any reference in this Act to an eligible person shall be read as including a reference to a husband and wife with whom the Director proposes to enter, or has entered, into any transaction in accordance with this sub-section.

" (2.) Any such husband and wife shall be jointly and severally liable to fulfil the obligations of an eligible person, purchaser or borrower under this Act.

" (3.) The Director shall not apply this section in relation to any land, or land and dwelling-house, if the land, or land and dwelling-house, is or are owned or proposed to be owned by the eligible person and his or her wife or husband otherwise than as joint tenants.

" (4.) Notwithstanding anything contained in this Act, so long as any land, or land and dwelling-house, owned or being purchased by a husband and wife as joint tenants is subject to a contract of sale, mortgage or other security in accordance with this Act, a transfer, conveyance, assignment or surrender of any interest or share of that husband or wife in the land or land and dwelling-house shall not have any force or effect unless it is made with the consent in writing of the Director.

" (5.) Where a husband and wife together purchase or borrow under this Act, the powers of the Director under section thirty-three of this Act may be exercised as against both of them if either of them becomes bankrupt or insolvent or if the interest of either of them in the land or dwelling-house is the subject of execution by a creditor."

6.—(1.) Sections five to thirteen (inclusive) of the Principal Act are repealed and the following section is inserted in their stead :—

Incorporation of Director.

" 5.—(1.) There shall be a Director of War Service Homes, who shall be appointed and employed in accordance with, and subject to the provisions of, the *Commonwealth Public Service Act 1922-1947* and who shall, subject to the directions of the Minister, be responsible for the execution of this Act.

“(2.) The body corporate which existed, by virtue of the section for which this section is substituted, under the name of the War Service Homes Commissioner shall continue in existence under the name of the Director of War Service Homes, and the person from time to time occupying the office of Director of War Service Homes shall constitute the body corporate continued in existence by this section.

“(3.) The body corporate continued in existence by this section shall have perpetual succession and an official seal, and be capable of suing and being sued, and shall, subject to this Act, have power to acquire, purchase, sell, lease and hold real and personal property, and to borrow money, for the purposes of this Act.

“(4.) All courts, judges and persons acting judicially shall take judicial notice of—

(a) the seal of the Director affixed to any document after the commencement of this section; and

(b) the seal of the War Service Homes Commissioner affixed to any document before the commencement of this section.

“(5.) The alteration of name and constitution effected by subsection (2.) of this section shall not affect any property, powers, rights, authorities, duties, functions, liabilities or obligations of the corporation continued in existence by this section, or render defective any legal or other proceedings instituted or to be instituted by or against the corporation, and any legal or other proceedings may be continued by or against the corporation by the name of the Director of War Service Homes which might have been continued or commenced by or against the corporation by the name of the War Service Homes Commissioner.”

(2.) Notwithstanding the repeal of section nine of the Principal Act—

(a) the service under the *War Service Homes Act* 1918, or under that Act as amended, of the officer of the public service of the Commonwealth who, at the commencement of this Act, held office as War Service Homes Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the public service of the Commonwealth; and

(b) that officer shall, in respect of the unexpired portion of the term of his appointment as War Service Homes Commissioner, be entitled to receive, as an officer of the public service of the Commonwealth, salary at a rate not less than the rate of the salary which, at the commencement of this Act, he was receiving in the office of War Service Homes Commissioner.

(3.) Any reference in any law in force at the commencement of this Act to the War Service Homes Commissioner shall be read as including a reference to the Director of War Service Homes.

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

Power to
require
delivery of
goods.

“ 16B.—(1.) The Minister may, by order in writing, require any person who deals in goods, or has goods in his possession, to deliver to the Director, or to some other person specified in the order, at such place as is specified in the order such of those goods, or such quantities of those goods, as are so specified, and within such period or at such times, and in such manner (if any), as are so specified.

“(2.) Upon service of an order under this section, the person to whom the order is directed shall, to the extent necessary to ensure compliance with the order, give priority, over all other business in which that person is engaged, to the delivery of the goods specified in the order.

“(3.) Subject to the next succeeding sub-section, upon delivery of any goods in pursuance of an order under this section, the goods shall become the property of the Director, freed from all interests, charges or encumbrances which were, prior to that delivery, vested in any person.

“(4.) The Director shall pay just compensation to any person who delivers goods in pursuance of an order made under this section and to any person who had, at the time when the goods were delivered, an interest in those goods.

“(5.) The amount of any just compensation for the purposes of this section shall be such amount as is determined by agreement or, in default of agreement, by action against the Director in any court of competent jurisdiction.

“(6.) Forthwith after delivery of any goods in pursuance of an order made under this section, the person to whom the order was directed shall furnish in writing to the Minister the name and address of every person who, to his knowledge, had, at the time of the delivery, an interest (including an interest by way of charge or encumbrance) in the goods, and full particulars, to the extent of his knowledge, of that interest.

“(7.) Upon receipt of the information referred to in the last preceding sub-section, the Minister shall send by post to every person appearing to him to have an interest in the goods a notice in accordance with the form in the Schedule to this Act, together with a copy of the order referred to in the last preceding sub-section.

“(8.) The Minister may, by notice in writing, direct any person who deals in or has in his possession any goods to produce to an officer authorized for the purpose by the Minister any books, papers, accounts or documents of any description specified in the notice relating to the cost of goods, or to stocks of goods, and to permit the officer so authorized to take copies of or extracts from any such books, papers, accounts or documents.

“(9.) Where, by reason of compliance with the requirements of an order made under this section, any person fails to fulfil any contract, whether made before or after the commencement of this section,

it shall be a good defence to any action or proceeding brought against that person in respect of that failure for that person to show that that failure was due to that compliance.

“(10.) An order under this section shall not have any effect until it has been served in accordance with the next succeeding sub-section.

“(11.) An order under this section may be served on the person to whom it is directed either personally or by posting the order as a letter addressed to that person at his last-known place of abode or any of his places of business.

“(12.) Notwithstanding anything contained in any law of a State or Territory of the Commonwealth, a person shall not, without reasonable excuse, refuse or fail to comply with any requirement or direction made or given by or in pursuance of this section.

Penalty : One hundred pounds.

“(13.) In this section—

‘ court of competent jurisdiction ’ means a court of the Commonwealth, or of a State or Territory of the Commonwealth, which would have jurisdiction to hear and determine the action if it were an action between subject and subject for the recovery of a debt equal to the compensation claimed in the action ;

‘ goods ’ means articles, substances or commodities which, in the opinion of the Minister, are required for the purposes of this Act.”.

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

“ 17B.—(1.) The Director, or a person acting with the authority of, or in accordance with the terms of a contract with, the Director, shall not be bound, in or in connexion with the erection of a dwelling-house for the purposes of this Act, by any law of a State or Territory of the Commonwealth (including any by-law, ordinance or regulation of any local governing authority) relating to or affecting the building of houses.

Effect of State laws as to building

“(2.) Where a person has acquired the ownership of, or an interest in, any dwelling-house erected for the purposes of this Act, that person shall not be liable, under the provisions of any law referred to in sub-section (1.) of this section, to any action or proceeding, or to be disturbed in the enjoyment of his rights in respect of the dwelling-house, by reason, directly or indirectly, of the manner or circumstances in which the dwelling-house was originally erected.

“(3.) The Director shall not erect, or cause to be erected, a dwelling-house the erection of which would, apart from this section, be or involve a contravention of, or failure to comply with, any law referred to in sub-section (1.) of this section unless—

(a) he considers it necessary so to do in order that homes may be provided expeditiously for eligible persons at prices which are within their means ; and

(b) he has obtained a certificate of a qualified architect certifying that, in his opinion, the proposed dwelling-house, or dwelling-houses of the description of the proposed dwelling-house, will not be or are not detrimental to health or safety and will be or are substantial and durable.”

Total cost of dwelling-house.

9. Section eighteen of the Principal Act is amended by omitting from sub-section (1.) the words “One thousand two hundred and fifty pounds” (twice occurring) and inserting in their stead the words “One thousand seven hundred and fifty pounds”.

Sale of dwelling-houses.

10. Section nineteen of the Principal Act is amended by inserting after sub-section (3.) the following sub-section :—

“(4.) In any case in which, under the last preceding sub-section, the Director is authorized to require a deposit of not more than a certain amount, the Director shall, if the purchase money, or the cost of erecting the house, as the case may be, exceeds One thousand two hundred and fifty pounds, require that the deposit shall not be less than that amount.”

Maximum advance.

11. Section twenty-one of the Principal Act is amended by omitting from sub-section (1.) the words “One thousand two hundred and fifty pounds” (twice occurring) and inserting in their stead the words “One thousand five hundred pounds”.

Property to be kept in repair until payment in full.

12. Section thirty-one of the Principal Act is amended by omitting from paragraph (a) of sub-section (2.) the words “Nine hundred and fifty pounds” and inserting in their stead the words “One thousand seven hundred and fifty pounds”.

Action on instalments being overdue.

13. Section thirty-six of the Principal Act is amended by omitting from paragraph (a) of sub-section (1c.) the words “Nine hundred and fifty pounds” and inserting in their stead the words “One thousand seven hundred and fifty pounds”.

Schedule.

14. The Principal Act is amended by adding at the end thereof the following Schedule :—

“ THE SCHEDULE.

Section 16B.

COMMONWEALTH OF AUSTRALIA.

War Service Homes Act 1918-1947.

NOTICE TO PERSON APPEARING TO HAVE AN INTEREST IN GOODS
THE SUBJECT OF AN ORDER UNDER SECTION 16B.

To

of

You are hereby notified that an order, a copy of which is attached, has been made and served on the person to whom the order is directed.

I am informed that you had, or may have had, an interest in the goods specified in the Schedule to this notice which have been delivered in pursuance of the order.

Section sixteen B of the *War Service Homes Act 1918-1947* contains the following provisions :—

(Set out sub-sections (4.), (5.) and (13.) of section sixteen B.)

THE SCHEDULE.

(Set out particulars of goods referred to.)

(Signature)

Minister of State administering the
War Service Homes Act 1918-1947.”

15.—(1.) Section twenty-five of the *Commonwealth Public Service Act 1922-1946*, as amended by the *Commonwealth Public Service Act 1947*, is amended by omitting from sub-section (4.) the words “, the Commissioner of Taxation and the War Service Homes Commissioner” and inserting in their stead the words “and the Commissioner of Taxation”.

Amendment of
Commonwealth
Public Service
Act.

(2.) Section one of the *Commonwealth Public Service Act 1947* is amended by omitting sub-section (3.).

(3.) The *Commonwealth Public Service Act 1922-1946*, as amended by the *Commonwealth Public Service Act 1947* and by this Act, may be cited as the *Commonwealth Public Service Act 1922-1947*.

NORTHERN TERRITORY (ADMINISTRATION).

No. 39 of 1947.

An Act to amend the *Northern Territory (Administration) Act 1910-1947*.

[Assented to 12th June, 1947.]

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 *Northern Territory (Administration) Act 1947*.

Short title
and citation.

(2.) Section twenty-eight of the *Commonwealth Conciliation and Arbitration Act 1947** is amended by omitting sub-section (2.).

(3.) The *Northern Territory (Administration) Act 1910-1940†*, as amended by the *Commonwealth Conciliation and Arbitration Act 1947*, is in this Act referred to as the Principal Act.

(4.) The Principal Act, as amended by this Act, may be cited as the *Northern Territory (Administration) Act 1910-1947*.

2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.

3. Section three of the Principal Act is amended by inserting after the definition of “the Commission” the following definition:—

Definitions.

“ ‘the Council’ means the Legislative Council for the Territory; ”.

4. After section four A of the Principal Act the following sections are inserted:—

“ 4B.—(1.) There shall be a Legislative Council for the Territory.

Legislative
Council.

Act No. 10, 1947.

† Act No. 27, 1910, as amended by Nos. 16 and 19, 1926; Nos. 5 and 7, 1931; No. 18, 1933; No. 85, 1939; and Nos. 20 and 87, 1940.