



ANNO DECIMO NONO

GEORGII V REGIS.

A.D. 1928.

No. 1876.

An Act to consolidate and amend the Law relating to the making of Advances by the Government to Persons of Limited Means in order to provide Homes for themselves, and for other purposes.

[Assented to, November 1st, 1928.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

PART I.

PART I.

PRELIMINARY.

1. This Act may be cited as the "Advances for Homes Act, 1928," and shall come into operation on a day to be fixed by proclamation. Short title and commencement.

2. The Acts mentioned in the Schedule are hereby repealed to the extent therein mentioned. Repeal.

3. The provisions of this Act are arranged as follows :— Arrangement.

PART I.—Preliminary.

PART II.—Administration and the Advances for Home Fund.

PART III.—Advances and Sale of Homes—

DIVISION I.—Qualified persons :

DIVISION II.—Acquisition of land and erection of dwelling-houses :

DIVISION III.—Sale of homes to qualified persons :

DIVISION IV.—Advances on mortgage to qualified persons :

DIVISION V.—Conditions of contracts of sale and advances.

*Advances for Homes Act.—1928.*PART I.

PART IV.—Commonwealth Housing Scheme—

DIVISION I.—Powers of Bank :

DIVISION II.—Sale of dwelling-houses :

DIVISION III.—Advances on mortgage :

DIVISION IV.—Conditions of contracts of sale and advances.

PART V.—War Service Homes.

PART VI.—Renting of Houses.

PART VII.—Miscellaneous Provisions.

PART VIII.—Regulations.

Interpretation.**4.** In this Act unless the context otherwise requires—

“ Advance ” means an advance made under this Act :

“ Australian soldier ” means a person who, during the continuance of the Great War—

(a) was a member of the Naval or Military Forces of Australia enlisted or appointed for or employed on active service outside Australia or on a ship of war ; or

(b) was a member of the Army Medical Corps Nursing Service accepted or appointed by the Director-General of Medical Services for service outside Australia ; or

(c) served in the Naval or Military Forces of any part of His Majesty's Dominions, other than the Commonwealth, and who is proved to the satisfaction of the Bank to have, before his enlistment or appointment for service, resided in Australia ; or

(d) was a member of the Army Medical Corps Nursing Service of any part of His Majesty's Dominions, other than the Commonwealth, and who is proved to the satisfaction of the Bank to have, before her appointment to that service, resided in Australia :

“ Borrower ” means a person who has obtained an advance :

“ Contract of sale ” means a contract for the sale by the Bank of a dwelling-house and land :

“ Dwelling-house ” includes the house and its appurtenances, necessary or usual outbuildings, fences, and permanent provision for lighting, heating, cooking, water supply, drainage, and sewerage, but does not include any land :

“ Family ” includes the parents or other relative dependent upon the purchaser or borrower :

“ Fixed

Advances for Homes Act.—1928.

PART I.

“Fixed rate” means the rate fixed pursuant to section 83 which is in force at the time when the contract of sale or advance in question is made; and “fixed table” means the table fixed as aforesaid:

“Holding” means land of which an applicant or borrower is the beneficial owner in fee simple in possession, or Crown lands (in which term is included any land vested in the Bank) held by an applicant or borrower for his own benefit under a lease or agreement for sale and purchase:

“Inspector” means an inspector appointed by the Bank:

“Purchaser” means a person who has purchased from the Bank a dwelling-house and land:

“The Bank” means the State Bank of South Australia, established by the State Bank Act, 1925:

“The Fund” means the Advances for Homes Fund continued by this Act:

“The Great War” means the war in which His Majesty was engaged which commenced on the fourth day of August, nineteen hundred and fourteen:

“Valuer” means a valuer appointed by the Bank.

5. For the purposes of this Act, a person shall be presumed to have died whilst on service in the Great War if he has been reported to have so died, or if he has been reported “missing” or “missing; believed dead,” and no further report with respect to him has been received since such report was received.

Presumption as to death on active service.
1467, 1921, s. 10.

PART II.

PART II.

ADMINISTRATION AND THE ADVANCES FOR HOMES FUND.

6. This Act and the Fund shall be administered by the Bank.

Administration.

7. (1) The Fund established by the Advances for Homes Act, 1910, and called the “Advances for Homes Fund” is hereby continued.

Advances for Homes Fund.
1018, 1910, s. 8.
1047, 1911, s. 3.
1096, 1912, s. 10.
1341, 1918, s. 3.
1408, 1919, s. 3.
1596, 1923, s. 4.

(2) The Treasurer shall set apart to the credit of the Fund such loan moneys as are from time to time provided by Parliament for the purpose.

(3) All moneys received by the Bank under this Act shall be kept separate from all other moneys of the Bank.

(4) All moneys received by the Bank in payment of any purchase-money or in repayment of advances, or for rent (except moneys received under Part IV. or Part V.), shall be paid to the Treasurer and be placed to the credit of the Fund and form part thereof, but shall not be used for any purpose of this Act unless appropriated for

*Advances for Homes Act.—1928.***PART II.**

for that purpose by Parliament. Moneys received by way of interest (except moneys received under Part IV. or Part V.) shall be paid to the Treasurer and applied in aid of the General Revenue of the State.

(5) The Fund shall be held by the Treasurer and be applied to the purposes of this Act, other than the purposes of Part IV. or Part V. thereof.

Commission to Bank.
Cf. 1018, 1910,
s. 4 (1).

8. The Treasurer shall, after the thirtieth day of June in each year, pay to the Bank out of the Fund, as consideration for the administration of this Act and the Fund by the Bank, and to meet the expenses of such administration, such an amount as is fixed by the Treasurer from time to time, but not exceeding Ten Shillings per centum of the total of all moneys due on such thirtieth day of June under every contract for sale under Part III. and advance under Part III.

Allocation of profits under contracts of sale.

9. Any profits accruing to the Bank by reason of any contracts of sale under this Act or the Acts repealed by this Act or by reason of any cancellation thereof shall be placed in a separate fund which shall be used to recoup the Bank for any losses incurred by the Bank under any such contracts of sale or under any advances made pursuant to this Act or the Acts repealed by this Act.

Validating provision.

10. Every contract of sale entered into and every advance made pursuant to the provisions of the Acts repealed by this Act or purporting to be so entered into or made shall be deemed to have been lawfully entered into or made and to be of full force and effect.

PART III.**PART III.****ADVANCES AND SALE OF HOMES.****DIVISION I.****DIVISION I.—QUALIFIED PERSONS.**

Definition of qualified persons.

11. (1) For the purposes of this Part, the following persons shall be qualified persons :—

i. Any person who, at the time of making application to the Bank under this Part, is in receipt of an income not exceeding Four Hundred and Fifty Pounds per annum and whose income is derived, as to at least four-fifths thereof, from actual personal exertion :

ii. Any person who, at the time of making application to the Bank under this Part, is in receipt of an income not exceeding Four Hundred and Fifty Pounds per annum and—

(a) is a woman ; or

(b) is a person who by reason of invalidity or other cause is unable to work.

(2) If

*Advances for Homes Act.—1928.*PART III.
DIVISION I.

(2) If the joint incomes of any person and the husband or wife of that person exceed Four Hundred and Fifty Pounds per annum, and the Bank is satisfied that such husband and wife are living together, then such person shall not be a qualified person for the purposes of this section.

(3) For the purposes of this section any moneys received by or payable to any person by way of a pension or as a superannuation benefit under any Act of the State or of the Commonwealth shall be deemed to be income derived from actual personal exertion.

DIVISION II.—ACQUISITION OF LAND AND ERECTION OF
DWELLING-HOUSES.

DIVISION II.

12. (1) The Bank may purchase or otherwise acquire any land.

Power to acquire land.

(2) Where land acquired by the Bank is subdivided by the Bank into lots for dwelling-houses and portion of the land is reserved for streets or other purposes, the Bank may from time to time determine the fair value of all or any of the lots into which the land is subdivided.

(3) In determining under the last preceding subsection the fair value of each lot the Bank 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.

(4) The Bank may set apart any portion of the land for any public purpose or as a reserve for any public purpose, and may sell, or otherwise dispose of any portion so set apart to be used for any such purpose, on such terms and conditions as the Bank thinks fit.

(5) The Bank may set apart any portion or portions of the land for any charitable, religious, patriotic, or educational purpose, and may sell or otherwise dispose of any such portion or portions to be used for any of those purposes, in such manner and on such terms and conditions as the Bank thinks fit.

13. Notwithstanding anything contained in this Act, the Bank shall not acquire any land not immediately required for the erection of dwelling-houses—

Restrictions as to land purchase.

(a) unless the Minister approves in writing of the acquisition ;
or

(b) unless an application under this Act has been made in respect of that land.

14. The Bank may erect dwelling-houses on land acquired for the purposes of this Part, or may enter into contracts for the erection of dwelling-houses on land so acquired.

Power to erect houses or enter into contract for erection.

15. (1) The Bank may erect, complete, or enlarge, for qualified 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 house on land owned by applicants.

(2) Where

PART III.
DIVISION II.

Advances for Homes Act.—1928.

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

Total cost of land
and dwelling-house.

16. The total cost to the Bank of any dwelling-house acquired or erected in pursuance of this Part together with the cost of the land on which it is erected, but not including any cost incurred under section 17 or section 44, shall not exceed Seven Hundred Pounds.

Arrangements for
sewerage, water,
gas, and electric
service.

17. (1) The Bank may 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 Part;
- (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 Bank under the arrangement as the Bank 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 Bank may require him to refund the amount of such cost by such instalments as the Bank determines.

DIVISION III.

DIVISION III.—SALE OF HOMES TO QUALIFIED PERSONS.

Sale of dwelling-
houses.

18. (1) Subject to this Act, the Bank may sell to any qualified person, who satisfies the Board that he is qualified for assistance under this Part, a dwelling-house acquired or erected in pursuance of the last preceding Division, together with the land on which it is erected.

(2) Such person shall pay to the Bank a sum of not less than Twenty-five Pounds before the Bank sells a dwelling-house to that person.

(3) The sale may be upon such terms and subject to such conditions as are prescribed or are fixed by the Bank.

(4) At any time after the purchaser has paid to the Bank one-seventh of the purchase-money due under the contract of sale, and has complied to the satisfaction of the Bank with the

*Advances for Homes Act.—1928.*PART III.
DIVISION III.

the conditions contained in the contract of sale and provided by this Act he may, if he so desires, upon giving to the Bank the prescribed notice in writing of his intention so to do, execute in favour of the Bank a mortgage in the prescribed form for the balance of the purchase-money and interest and all other moneys payable under the contract of sale, and thereupon he shall be entitled to obtain from the Bank a transfer of the land.

(5) The cost and expense of any transfer or mortgage executed in pursuance of this section shall be borne by the purchaser.

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

Sale of house only to person not already an owner.

- (a) the dwelling-house is intended to be used by the person as a home for himself and his dependants; and
- (b) neither the person, nor the wife or husband (if any) of that person, is the owner of any other dwelling-house.

20. The Bank shall not, except with the approval of the Minister—

Only one house to be sold to each qualified 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 qualified person, and shall not, except with the approval of the Minister, erect a dwelling-house for, or sell a dwelling-house to, any person to whom an advance has been made in pursuance of this Act.

21. A contract of sale under this Part may be made jointly with any qualified person and the husband or wife thereof.

Sale may be made to husband and wife jointly.

DIVISION IV.—ADVANCES ON MORTGAGE TO QUALIFIED PERSONS.

DIVISION IV.

22. (1) Subject to this Act, the Bank may, upon application in writing, make an advance to any qualified person on the prescribed security, for the purpose of enabling him—

Advances for homes.

- (a) to erect a dwelling-house on land owned by him;
- (b) to purchase land and erect thereon a dwelling-house;
- (c) to purchase a dwelling-house, together with the land on which it is erected;
- (d) to complete a partially erected dwelling-house owned by him;
- (e) to enlarge a dwelling-house owned by him; or
- (f) to discharge any mortgage, charge, or encumbrance already existing on his holding.

(2) Advances may be made for any purpose mentioned in subdivisions (a), (b), (d), or (e) of subsection (1) hereof of an amount not exceeding six-sevenths of the value of the dwelling-house to be erected, enlarged,

PART III.
DIVISION IV.

Advances for Homes Act.—1928.

enlarged, or completed, and the holding upon which the same is to be erected or stands.

(3) Advances may be made for the purpose mentioned in subdivision (c) of subsection (1) hereof of an amount not exceeding six-sevenths of the fair estimated value of the dwelling-house and land to be purchased.

(4) Advances may be made for the purpose mentioned in subdivision (f) of subsection (1) hereof of an amount not exceeding six-sevenths of the fair estimated value of the applicant's estate or interest in the holding and the permanent improvements thereon.

(5) Notwithstanding anything in this section, at no time shall the total advances to any person (but not including any cost incurred under section 17 or section 44) exceed the sum of Seven Hundred Pounds.

(6) Any advance may be made by instalments.

(7) If the advance is for any purpose mentioned in subdivision (a), (b), (d), or (e) of subsection (1) hereof then—

(a) an instalment or instalments of such advance may be made before the building is commenced, provided that the total of the amounts so advanced shall not exceed six-sevenths of the fair estimated value of the applicant's estate or interest in the holding and the permanent improvements thereon :

(b) the total of the amounts advanced up to any given time shall not exceed the value of the progress theretofore made with the building, as certified in writing by a valuer to the satisfaction of the Bank, in addition to the amount (if any) advanced as provided for by subdivision (a) of this subsection.

(8) The payment of advances by instalments shall be made subject to anything prescribed in that behalf.

Application for
advance and evi-
dence thereunder.
1018, 1910, s. 12.
1440, 1920, s. 4 (2).

23. (1) Every application for an advance shall—

(a) be made to the Bank in the prescribed form, and shall contain such particulars as are prescribed :

(b) be accompanied by a statutory declaration by the applicant in the prescribed form that he is qualified for assistance under this Part :

(c) be supported by such evidence (if any) as is prescribed, or as the Bank requires.

(2) The Bank shall in no case make an advance for the purpose of erecting, completing, or enlarging a dwelling-house unless it is shown to the satisfaction of the Bank that the proposed buildings will be substantial and durable, and that the house to be erected, completed, or enlarged is needed in the proposed locality, nor unless the plans and specifications thereof have been approved by the Bank, and comply with all regulations made in that behalf.

(3) Whenever

*Advances for Homes Act.—1928.*PART III.
DIVISION IV.

(3) Whenever any question arises whether any applicant is the owner or lessee of the land in respect of which his application is made, or as to the amount of his income, the decision of the Bank on that question shall be final and conclusive for all purposes of this Act.

24. The Bank shall not, except with the approval of the Minister—

- (a) make advances to any one qualified 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.

Advances to a qualified person to be in respect of one property only.

25. No advance shall be made to any applicant unless the Bank is satisfied that—

- (a) the dwelling-house in respect or for the purposes of which the advance is applied for is intended to be used by the applicant as a home for himself and his dependants ; and
- (b) neither the applicant nor the wife or husband (if any) of that person is the owner of any other dwelling-house.

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

26. If at any time, in the opinion of the Bank, any money advanced under this Part has not been applied for the purpose for which it was advanced, or has not been carefully and economically expended, the Bank may refuse to pay any further instalment of the proposed advance, and may at once call in the whole amount already advanced, whereupon the borrower shall forthwith repay the same, and in default the Bank shall have the same remedies for the recovery of the same as are provided by this Act for the recovery of sums payable by the borrower.

Advances by instalments.
1018, 1910, s. 13.

27. (1) No advance shall be made except upon the security of a mortgage or mortgages in the prescribed form to the Bank of the borrower's estate and interest in his holding, as well as of the improvements already thereon, and the improvements (if any) with respect to which the advance is made, with or without such additional security as to the Bank may seem fit. The borrower may, notwithstanding anything to the contrary in any enactment or law, or in the lease or agreement under which he holds, lawfully execute the mortgage or other security.

Advance to be secured by mortgage.
1018, 1910, s. 14.

(2) The provisions of the Bills of Sale Act, 1886, or any Act amending that Act or substituted therefor, shall not apply to any mortgage or other security executed under the provisions of this Act, or affect the validity of any such mortgage or security in respect of any chattels comprised therein.

28. No advance shall be made on any property which is encumbered by any previous mortgage or charge, other than a mortgage

Advances only to be made on first mortgages.
1018, 1910, s. 15.

PART III.
DIVISION IV.

Advances for Homes Act.—1928.

mortgage or charge under this Act, or a charge in favour of the Crown; but a second mortgage may be taken as collateral security.

Advances may be made to husband and wife jointly.

29. Any advance may be made to a qualified person jointly with the husband or wife of the qualified person.

DIVISION V.

DIVISION V.—CONDITIONS OF CONTRACTS AND ADVANCES.

Discretion of Bank as to making of advances, &c.

30. The Bank may, at its discretion, refuse to enter into a contract for the sale of any land or land and dwelling-house to, or make an advance to, any qualified person, unless the Bank is satisfied that the person has a reasonable prospect of carrying out the terms of the contract of sale or advance, or, in any case where, in opinion of the Bank, it is undesirable to enter into the contract or make the advance.

Re-sales may be at valuation.

31. Where a dwelling-house and land have been sold by the Bank and have, through failure of the purchaser to complete the purchase or other cause, reverted to the Bank, the Bank may, notwithstanding anything contained in this Act, resell the dwelling-house and land at the value thereof at the date of the re-sale as valued by the Bank.

Purchase-money or advance, how payable or repayable.

32. (1) Payment of purchase-money or repayment of an advance, together with interest at the fixed rate thereon, shall be made in equal instalments, in accordance with the contract entered into or mortgage executed at the time of the purchase or advance: Provided that in no case shall the period over which such instalments are repayable exceed—

- (a) in the case of a dwelling-house composed of brick, stone, or concrete—forty-two years; and
- (b) in the case of a dwelling-house composed of wood or iron—twenty years; and
- (c) in the case of a dwelling-house composed partly of brick, stone, or concrete, and partly of wood or iron—such period as is determined by the Bank.

(2) The advance, if made in one sum, shall date as from the first day of the next month following that in which it is made, and if made by instalments, shall date as from the first day of the next month following that in which the final instalment is made.

(3) Interest at the fixed rate per annum (but subject to a rebate, as provided by section 33) shall be paid on the advance or each instalment thereof, computed from the date when the advance or instalment is made.

(4) If the advance is made in one sum, interest at the fixed rate per annum, less the rebate mentioned in section 33, computed from the date when the same is made to the first day of the next following month, shall be paid to, or may be deducted by, the Bank at the time when the loan is made.

(5) If

*Advances for Homes Act, —1928.*PART III.
DIVISION V.

(5) If the advance is made by instalments, then, until and including the first day of the month following next after that in which the final instalment is made, interest at the fixed rate per annum (less the rebate mentioned in section 33) shall be paid to the Bank on the first day of each month on all instalments theretofore made, computed from the dates of making the same respectively; or such interest may be deducted by the Bank from any instalment of the advance.

(6) Every instalment shall consist partly of principal and partly of interest, and every such instalment shall, in respect of each One Hundred Pounds thereof be of the amount set forth opposite to the term in which the purchase-price is payable or for which the advance is made in the fixed table which is in force at the time when the contract of sale or advance is made and is applicable to the case, and in respect of any part of One Hundred Pounds shall be of an amount proportionate to the amount so set forth.

(7) Irrespective of the prescribed instalments, the purchaser or borrower may from time to time pay to the Bank any sum being not less than One Pound, and being either One Pound or a multiple of One Pound, in reduction of the purchase-price or advance, and thereafter the instalments shall be proportionately smaller by a readjustment of the amounts of interest included therein.

(8) Notwithstanding anything in this section, where it has been agreed to pay by quarterly instalments, the purchase-price or advance or any part thereof, may be paid or, as the case may be, repaid by monthly instalments; and in that case the instalments shall be as set forth opposite to the term in which the purchase-price is payable or for which the advance was made in the fixed table which was in force at the time when the contract of sale or advance was made, and is applicable to monthly instalments.

33. In order to encourage the early payment of the prescribed instalments of principal and interest the following provisions shall apply with respect to every instalment:—

Rebate of interest when instalments paid punctually.

1018, 1910, s. 17.

1096, 1912, s. 5.

I. If the purchaser or borrower (not being in arrear with any previous instalment or other payment under the contract of sale or mortgage) pays the instalment not later than the seventh day after the due date thereof, he shall be entitled to such a rebate of so much thereof as consists of interest as will reduce the annual rate of interest by one-half per centum.

II. The rebate may be deducted and retained by the purchaser or borrower from the full nominal amount of the instalment when making the payment.

34. (1) When an advance has been made upon the security of a mortgage of a holding the freehold whereof may under any Act be acquired from the Crown, the grant in respect of the holding shall be delivered to the Bank, and shall bear an indorsement showing that it is subject to the mortgage.

Perfecting security over holdings when freehold acquired subsequent to mortgage.

1018, 1910, s. 18.

(2) When

PART III.
DIVISION V.

Advances for Homes Act.—1928.

(2) When an advance has been made upon the security of a mortgage of a lease over a holding, if a fresh lease of the holding is issued while such mortgage is in existence, the lease shall be delivered to the Bank, and shall bear an indorsement showing that it is subject to the mortgage.

(3) When a grant or fresh lease has been indorsed, as mentioned in this section, the grant or lease shall be subject to the mortgage as if it were expressly charged thereby; and notwithstanding the provisions of the Real Property Act, 1886, the Registrar-General shall make any entry in the Register Book which may be necessary for the purpose of showing that the grant or fresh lease is subject to the mortgage.

(4) The Bank shall be entitled to retain possession of every such grant or fresh lease while the mortgage is in existence.

Power for Bank to
acquire freehold.
1018, 1910, s. 19.
1440, 1920, s. 4 (2).

35. (1) Where an advance has been made upon the security of a mortgage of a holding the freehold whereof may under any Act be acquired from the Crown, the Bank may, at any time and notwithstanding the provisions of any Act, acquire the freehold of the holding on behalf of the mortgagor or his successor in interest, and for that purpose may make all such payments to the Crown and otherwise as are necessary.

(2) All payments so made by the Bank shall be added to and become part of the mortgage debt, notwithstanding that the amount of the advance is thereby increased to more than Seven Hundred Pounds.

(3) The grant of the holding shall be delivered to the Bank, and shall bear an indorsement showing that it is subject to the mortgage, and thereupon the provisions of subsections (3) and (4) of section 34 shall apply in respect of the grant.

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

36. (1) The purchaser or borrower may occupy the dwelling-house and land included in the contract of sale, mortgage, or other security, and, in that event, he shall be deemed to be a tenant of the Bank upon and subject to the prescribed terms and conditions and the terms and conditions contained in the contract of sale, mortgage, or other security.

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

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

(3) Where the Bank determines a tenancy in pursuance of the last preceding subsection, any Court of Summary Jurisdiction may, upon application made to it by the Bank, 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 Bank; and the warrant shall be a
sufficient

*Advances for Homes Act.—1928.*PART III.
DIVISION V.

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.

37. (1) If at any time any instalment or money payable in respect of any contract of sale or advance under this Part, or any part of such instalment or money, is unpaid for two months next after the time appointed for the payment thereof, then, although no legal demand has been made for payment, the Bank may enter upon and take possession of the land or land and dwelling-house with respect to which the contract of sale was entered into or the advance was made, and may—

Action on instalments being overdue.

- (a) in the case of a purchaser, cancel the contract of sale, and, in its discretion, forfeit the instalments previously paid by the purchaser; and
- (b) in the case of a borrower, after giving to him such notice of the time, place, terms, and conditions of the sale as the Bank thinks just and expedient, sell the estate and interest of the borrower in the land or land and dwelling-house, either by private sale or public tender or auction, and subject to such conditions of sale as the Bank thinks expedient, and transfer the land or land and dwelling-house to the person who has purchased it and give a good and valid title thereto.

(2) The Bank shall apply the proceeds derived from any sale made as aforesaid in payment, in the first instance, of all moneys due in respect of the land or land and dwelling-house, and in the payment or repayment of any amount charged thereon in favour of the Bank, or of so much thereof as remains unpaid, and of all expenses incurred by the Bank in relation to the sale or otherwise with respect to the land or land and dwelling-house, and shall pay the balance (if any) to the persons appearing to the Bank to be entitled to receive it.

(3) For the purposes of this section, money payable to the Bank for insurance as prescribed, or for water, sewerage, or municipal or district council rates, shall be deemed to be money payable in respect of a contract of sale or advance under this Part.

38. (1) The estate or interest of any purchaser or borrower in any land or land and dwelling-house included in a contract of sale, mortgage, or other security under this Act shall not be divested from the purchaser or borrower under any law relating to bankruptcy or insolvency, but if the purchaser or borrower becomes bankrupt or insolvent, or if the land or land and dwelling-house is seized in execution, the Bank may—

Power of Bank where purchaser or borrower insolvent.

- (a) in the case of a purchaser, cancel the contract of sale, and, in its discretion, forfeit the instalments previously paid by the purchaser; and
- (b) in the case of a borrower, sell the estate and interest of the borrower in the land, or land and dwelling-house.

(2) The

PART III.
DIVISION V.

Advances for Homes Act.—1928.

(2) The provisions of section 37, as to the sale of any land or of land and a dwelling-house and the application of the proceeds of the sale, shall apply to any sale made in pursuance of this section.

Remedies for
recovery of instal-
ments.
1018, 1910, s. 20 (1).

39. In addition and without prejudice to any other remedy, if at any time any instalment or part thereof required to be paid by this Act, is unpaid for thirty days next after the time appointed for the payment thereof, then, although no legal demand has been made for the payment thereof, the Bank may enter upon the holding or any part thereof, and recover the amount due by distress and sale of any goods and chattels on the holding, or the amount may be recovered summarily or in any Court of Competent Jurisdiction by action, in the name of the Bank, from the occupier, owner, or lessee for the time being of the holding.

Property to be kept
in repair until pay-
ment in full.

40. (1) Every purchaser and every borrower shall, until the whole amount of purchase-money or advance due by him has been paid or repaid, keep in good and tenantable repair, to the satisfaction of the Bank, all buildings, fences, fixtures, and improvements upon the land comprised in the contract of sale, mortgage, or other security.

(2) If after the expiration of two months' notice in writing by the Bank any purchaser or borrower has not complied with the requirements of this section—

(a) the like consequences shall follow as are provided by section 37 in case of default made in the payment of any interest or instalment payable under the provisions of this Act ;
or

(b) any person acting under the authority of the Bank may enter upon the holding and effect all repairs which the Bank or any person authorised by the Bank in that behalf, deems necessary ; and the expense thereby incurred, with interest at the same annual rate as that which is payable on the purchase-price or advance, shall be repaid to the Bank by the purchaser or borrower on demand, and until repayment shall, in the case of an advance, be a charge under the mortgage or other security upon the holding, notwithstanding that the amount of the advance is thereby increased to more than Seven Hundred Pounds.

Conditions annexed
to land while subject
to advances.
1018, 1910, s. 22.

41. (1) As between the Bank and the purchaser or borrower the following conditions shall be imposed with respect to the holding sold or charged, namely :—

I. The holding shall not be let or sublet by the purchaser or borrower without the consent of the Bank :

II. Every lease, sub-lease, or agreement contrary to the provisions of this section shall be void and of no effect :

III. If

*Advances for Homes Act.—1928.*PART III.
DIVISION V.

III. If the borrower lets or sublets the holding or any part thereof in contravention of the provisions of this section, the Bank may cause the borrower's estate and interest in the holding and any lease or agreement under which he holds the same to be sold :

IV. If the purchaser lets or sublets the holding or any part thereof in contravention of this section, the Bank may cancel the contract of sale, and, in its discretion, forfeit the instalments previously paid by the purchaser.

(2) The provisions of section 37, as to sale and application of proceeds of sale, shall apply to every sale made under the provisions of this section.

42. (1) Whilst a holding is subject to a mortgage or other security to secure the repayment of an advance under this Part or under any Act repealed by this Act, no transfer, conveyance, assignment, or surrender of the holding, or of any estate or interest therein, shall have any force or effect, nor shall it be registered in the Lands Titles Office or General Registry Office or be noted in the Land Office, unless the transfer, conveyance, assignment, or surrender—

Restraint on power of alienation during mortgage.

1018, 1910, s. 23.

1651, 1924, s. 3.

(a) is made to a devisee by a person acting in the capacity of executor or administrator ; or

(b) is made with the consent in writing of the Bank.

(2) Whilst a holding is subject to a mortgage to secure the repayment of an advance under this Part or under any Act repealed by this Act, the mortgagor shall not be entitled to have such mortgage discharged upon payment of the full amount of the principal moneys and interest for the time being due to the Bank under the mortgage unless the Bank consents in writing to such discharge.

(3) No purchaser shall transfer or assign his interest in any contract of sale under this Part or under any Act repealed by this Act, except with the consent of the Bank thereto in writing, and any transfer or assignment without such consent shall be void and of no effect.

(4) No purchaser shall, upon payment of the full amount of the purchase-price and interest for the time being due to the Bank under any contract of sale under this Part or under any Act repealed by this Act, be entitled to obtain from the Bank a transfer of the land unless the Bank consents in writing to the transfer.

(5) Consent as aforesaid shall not be granted within ten years after the entry into the contract of sale or the making of an advance, as the case may be, unless it is proved to the satisfaction of the Bank that the refusal thereof would inflict great hardship : Provided that in the case of any contract of sale or advance entered into or made under any Act repealed by this Act, on or before the twenty-fifth day of August, nineteen hundred and twenty-four, such consent may be granted within five years after the entering into the contract of sale or the making of the advance, as the case may be.

43. The

PART III.
DIVISION V.

Advances for Homes Act.—1928.

Bank to obtain reports as to expenditure of advances. 1018, 1910, s. 27.

43. The Bank from time to time shall obtain reports from the inspectors and valuers of the Bank as to the manner in which advances and instalments of advances have been expended and used by the respective borrowers, and as to the state and condition of the improvements for the purpose of which the advances and instalments have respectively been paid, and generally as to the state and condition of the holdings in respect of which the advances and instalments have been paid.

Bank may make advances to cover cost of drainage connections. 1408, 1919, s. 11.

44. If any contract of sale has been entered into, or advance made in respect of land which, at the time of the making of the contract of sale or advance is not situated within a drainage area within the meaning of the Adelaide Sewers Act, and the land is subsequently by proclamation, brought within a drainage area, the Bank may, if it thinks fit, make a loan to the purchaser or borrower, as the case may be, for the purpose of enabling him to construct drains and fittings from and in connection with the land to communicate with any sewer made by the Commissioner of Sewers within the drainage area, and such loan may be made, and shall be deemed to be part of the purchase-price or advance, notwithstanding that the total of the purchase-price or advance and the loan together exceeds the maximum amount of the purchase-price or advance allowable under this Part.

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

45. 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 Bank under this Part, the Bank may purchase the interest at such price as is agreed upon, and may, subject to this Act, dispose of the property to any qualified person :

Provided that the price paid by the Bank 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 Bank 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 Bank in repayment of an advance made by him ; and
- (c) the value of improvements made by the purchaser or borrower.

Power to deposit necessary margin by instalments. 1440, 1920, s. 7.

46. (1) Any person who is desirous of making an application to the Bank for assistance under this Part may, for the purpose of providing the sum of Twenty-five Pounds necessary to enable him to enter into a contract for the purchase of a dwelling-house from the Bank, or of providing the difference between the amount which the Bank is authorised to advance, and the price of the dwelling-house to be paid with the aid of the advance (which sum or difference is hereinafter referred to as the "necessary margin") may, from time to time, deposit with the Bank such sums of money as he thinks fit, not being in the case of any one deposit less than the sum of Five Shillings. (2) The

*Advances for Homes Act.—1928.*PART III.
DIVISION V.

(2) The Bank may accept from any person as a deposit under this section any Treasury Bond of the Commonwealth Government of Australia in payment of a War Gratuity issued to him.

(3) The Bank may receive any moneys so deposited with it and shall hold the moneys to the credit of the depositor. The moneys shall, whilst so credited, bear such (if any) interest as is fixed by the Treasurer, and the interest shall be credited in the same manner as the principal sum.

(4) If, after the necessary margin has been deposited with the Bank, the depositor makes an application for assistance under this Part, and the Bank acts upon the application, the moneys deposited by him under this section and the interest thereon (if any) standing to his credit shall be applied by the Bank to the purposes of the application.

(5) If, after the necessary margin has been deposited with the Bank, the depositor makes an application for assistance under this Part, and the Bank does not act upon the application within twelve months after the said deposit of the necessary margin, the depositor shall be entitled to have any moneys deposited by him under this section, together with the interest thereon (if any) standing to his credit, repaid to him by the Bank.

(6) Subject as aforesaid, no depositor shall be entitled to have any moneys deposited with the Bank under this section, or any interest thereon, repaid or paid to him, unless he has previously obtained the approval of the Minister thereto.

PART IV.

COMMONWEALTH HOUSING SCHEME.

DIVISION I.—POWERS OF BANK.

47. The Bank is hereby authorised to accept any advances under the Commonwealth Housing Act, 1927, of the Commonwealth, or any Act amending the same or substituted therefor, which may be made to the Bank by the Savings Bank referred to in the said Commonwealth Housing Act, 1927, and may for such purpose or any purpose incidental thereto enter into any agreement or make any arrangement with the said Savings Bank.

48. (1) Any moneys advanced to the Bank as aforesaid shall be used by the Bank for the purposes of this Part.

(2) The Bank may out of the said moneys purchase any dwelling-houses for the purpose of disposing of the same in the manner provided by this Part.

(3) The Bank may out of the said moneys make advances in the manner provided by this Part.

(4) The Bank may out of the said moneys purchase any land for the purposes of this Part.

PART IV.

DIVISION I.

Power of Bank to enter into agreements.

Power to use any moneys advanced to Bank.

PART IV.
DIVISION I.

Power to erect
houses or enter into
contracts for
erection.

49. The Bank may erect dwelling-houses on land acquired for the purposes of this Part, or may enter into contracts for the erection of dwelling-houses on land so acquired.

Power to erect
house on land owned
by applicants.

50. (1) The Bank may erect, complete, or enlarge, for persons eligible for assistance under this Part, dwelling-houses on land owned by them or may enter into contracts for the erection, completion, or enlargement of dwelling-houses on such land.

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

DIVISION II.

Sale of dwelling-
houses.

DIVISION II.—SALE OF DWELLING-HOUSES.

51. (1) The Bank may sell any dwelling-house acquired or erected pursuant to this Part to any person who is in receipt of an income not exceeding Twelve Pounds per week: Provided that—

- (a) the purchase-price shall not exceed Two Thousand Pounds:
- (b) the purchaser shall pay a deposit of not less than ten per centum of the purchase-price or of ten per centum of the value of the dwelling-house, as valued by the Bank, whichever is the greater:
- (c) no dwelling-house shall be sold to any person who already owns a house:
- (d) no dwelling-house shall be sold to any person who, or whose wife or husband, has already purchased a dwelling-house or obtained an advance from the Bank under this Part unless the purchase-price thereof or advance has been paid in full:
- (e) no dwelling-house shall be sold to any person unless he satisfies the Bank that he will reside in the dwelling-house immediately upon its purchase.

(2) The sale may, subject to subsection (1) of this section, be upon such terms and subject to such conditions as are prescribed or are fixed by the Bank.

DIVISION III.

Advances to acquire
land, &c.

DIVISION III.—ADVANCES ON MORTGAGE.

52. Subject to this Act, the Bank may, upon application in writing, make an advance to any person who is in receipt of an income not exceeding Twelve Pounds per week, on the prescribed security, for the purpose of enabling him—

- (a) to erect a dwelling-house on land owned by him;
- (b) to purchase land and erect thereon a dwelling-house;

(c) to

*Advances for Homes Act.—1928.*PART 17.
DIVISION III.

- (c) to purchase a dwelling-house, together with the land on which it is erected ;
- (d) to complete a partially erected dwelling-house owned by him ;
- (e) to enlarge a dwelling-house owned by him ; or
- (f) to discharge any mortgage, charge, or encumbrance already existing on his holding.

53. (1) The amount of the advance which may be made to any applicant under this Part shall be the amount (not exceeding ninety per centum of the total value of the property in respect of which the advance is made) which the Bank considers necessary in order to give effect to the purpose for which the advance is made, but the amount of the advance shall not in any event exceed the sum of Eighteen Hundred Pounds. Maximum advance.

(2) For the purposes of this section "the total value of the property" means such sum as, in the opinion of the Bank, will be the total value of the land and dwelling-house upon the completion of the work for which the advance is applied for.

54. No advance shall be made under this Division—

Conditions of
making advances.

- (a) to any person who already owns a house, except for the purpose of discharging a mortgage upon one dwelling-house of which he is the owner, or the purpose of enlarging a dwelling-house of which he is the owner ;
- (b) for the purpose of discharging a mortgage unless the conditions of the mortgage or the conditions of any further loans on the property, are, in the opinion of the Bank, unduly disadvantageous to the mortgagor ;
- (c) except for the purpose of enlarging an existing dwelling-house, to any person who, or whose wife or husband has already purchased a dwelling-house or received an advance under this Division and has not paid the purchase-price or advance in full ;
- (d) in respect of any dwelling-house, unless the person making application therefor satisfies the Bank that—
 - I. if the advance is for the purpose of the purchase of a dwelling-house, he will reside in the dwelling-house immediately on its purchase ;
 - II. if the advance is for the purpose of the erection of a dwelling-house, he will reside in the dwelling-house immediately upon its completion ; and
 - III. if the advance is for the purpose of the discharge of a mortgage or for the purpose of enlarging a dwelling-house, he is residing in the dwelling-house.

55. Any

PART IV.

DIVISION III.

Advances for Homes Act.—1928.

Advance may be in instalments.

55. Any advance may be made by such instalments and subject to such conditions as are prescribed or are fixed by the Bank.

Conditions of grant of advance.

56. No advance shall be made for any of the purposes specified in paragraphs (a), (b), (c), (d), and (e) of section 52 unless the Bank is satisfied that—

(a) the dwelling-house when erected will be substantial and durable ;

(b) the plans and specifications of the dwelling-house comply with the prescribed conditions and have been approved by the Bank ; and

(c) having regard to the locality in which the dwelling-house is erected, or proposed to be erected, the risk is a reasonable risk for the Bank to undertake.

Mortgage required to secure advance.

57. No advance shall be made except upon the security of a mortgage to the Bank of the estate and interest of the borrower in his holding including the improvements already thereon, and the improvements (if any) for the purpose of which the advance is made, and such additional security (if any) as the Bank requires.

No advance on encumbered property.

58. No advance shall be made on any property which is encumbered by any previous mortgage or charge, other than a mortgage or charge under this Act or a charge in favour of the Crown, unless the advance is applied for the purpose of discharging the previous mortgage or charge.

Action where money advanced not properly expended.

59. (1) If at any time, in the opinion of the Bank, any money advanced under this Part has not been applied for the purpose for which it was advanced, or has not been carefully and economically expended, the Bank may refuse to pay any further instalment of the proposed advance, and may by notice in writing at once call in the whole or part of the amount already advanced.

(2) If the Bank in pursuance of this section calls in the whole or part of the amount already advanced, the borrower shall forthwith repay the same, and in default the Bank shall have the same remedies for the recovery of the amount called in, or such part thereof as remains unpaid, as are provided by this Act for the recovery of sums payable by the borrower.

DIVISION IV.

DIVISION IV.—CONDITIONS OF CONTRACTS OF SALE AND ADVANCES.

Rate of interest.

60. The rate of interest to be charged to any purchaser or borrower in respect of any purchase-money or advance under this Part and the term for payment thereof shall be such rate and term as are in each case fixed by the Bank.

Application of other provisions of Act.

61. The provisions of Division V. of Part III., except sections 32, 33, 41, 42, 44, and 46, shall apply, *mutatis mutandis*, to every contract of sale and advance entered into or made under this Part.

62. (1) As

*Advances for Homes Act.—1928.*PART IV.
DIVISION IV.

62. (1) As between the Bank and the purchaser or borrower with respect to the land or land and dwelling-house forming the subject of a contract of sale, mortgage, or other security under this Part, the following condition shall be imposed so long as any money due to the Bank under the contract of sale, mortgage, or other security remains unpaid, namely—

Conditions operative so long as money owing to Bank.

The land or land and dwelling-house, as the case may be, shall not be mortgaged, and, in the case of a dwelling-house, shall not be left unoccupied by the purchaser or borrower without the consent in writing of the Bank; and

Every mortgage or agreement entered into or made in contravention of the provisions of this section shall be void and of no effect.

(2) If the purchaser or borrower mortgages the land or land and dwelling-house or any part thereof or leaves the dwelling-house unoccupied in contravention of the provisions of this section, the Bank may—

- (a) in the case of a purchaser, cancel the contract of sale, and, in its discretion, forfeit the instalments previously paid by the purchaser; and
- (b) in the case of a borrower, sell the estate and interest of the borrower in the land or land and dwelling-house.

(3) The provisions of section 37 as to the sale of any land or of land and a dwelling-house and the application of the proceeds of the sale shall apply to any sale made in pursuance of this section.

63. (1) So long as any land or land and dwelling-house is subject to a contract of sale, mortgage, or other security in accordance with this Part, a transfer (other than a transfer by or to the Bank) of that land or land and dwelling-house or of any estate or interest therein shall not have any force or effect unless it—

Land, &c., not to be transferred, &c., while subject to mortgage, &c.

- (a) is made by a person acting in the capacity of executor or administrator of the purchaser or borrower; or
- (b) is made with the consent in writing of the Bank.

(2) Where a transfer of any land or land and dwelling-house or of any estate or interest therein is made, in pursuance of paragraph (a) of the last preceding subsection, to a person who is not eligible for assistance under this Part, the Bank 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 Bank in respect of the land or land and dwelling-house, and thereupon those moneys shall become due and payable.

(3) Consent to the transfer of land or of land and dwelling-house or of any estate or interest therein shall not be granted by the Bank in pursuance of this section except in the following cases and subject to the following conditions:—

- (a) where the proposed transferee is eligible for assistance under this Part, and is approved by the Bank—such conditions as the Bank determines; and
- (b) where

PART IV.
DIVISION IV.

Advances for Homes Act.—1928.

(b) where the proposed transferee is not eligible for assistance under this Part, or is so eligible but is 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 Bank in respect of the land or land and dwelling-house, have been paid to the Bank.

(4) In this section “transfer” includes conveyance, assignment, and surrender.

PART V.

PART V.

WAR SERVICE HOMES.

Power to make agreement with War Service Homes Commissioner.

64. The Bank may, enter into any agreement or make any arrangement with the War Service Homes Commissioner for any of the purposes of the War Service Homes Act, 1918, of the Commonwealth and of any Act amending the same or substituted therefor, and the Bank is hereby authorised to perform and carry out the provisions of any such agreement or arrangement.

Continuance of existing provisions as regards Australian soldiers, etc.

65. The provisions of the Acts repealed by this Act (including the provisions of section 9 of the Advances for Homes Act Further Amendment Act, 1921) shall, notwithstanding their repeal, apply to every contract of sale entered into with and any advance made pursuant to the Acts repealed by this Act to any of the persons mentioned in section 5 or section 11 of the Advances for Homes Act Further Amendment Act, 1921.

PART VI.

PART VI.

RENTING OF HOUSES.

Widows and widowed mothers of deceased soldiers may request Bank to purchase home for them.

1316, 1917, s. 6.
1408, 1919, s. 6.

66. (1) The widow or widowed mother of any Australian soldier who dies from wounds inflicted, accident occurring, or disease contracted whilst on service in the Great War, if she desires to obtain a permanent home for herself and her family and is unable to do so without assistance, may request the Bank—

(a) to purchase any land and erect thereon a dwelling-house as a home for herself and her family; or

(b) to purchase a dwelling-house and land enclosed or occupied therewith as a home for herself and her family,

for the purpose of enabling the Bank to let the same to her in manner provided by this Act.

(2) Every request under this section—

(a) shall be in writing, and shall be in such form and shall contain such particulars as the Bank requires; and

(b) shall be supported by such evidence (if any) as the Bank requires.

(3) Any

Advances for Homes Act.—1928.

PART VI.

(3) Any woman who, if she had been a widow, would have been qualified to make a request to the Bank as provided by this section shall be qualified to make such a request if she proves to the satisfaction of the Bank—

- (a) that she is divorced or legally separated from her husband; or
- (b) that she is permanently estranged from her husband and is not being supported or is only partially supported by him; or
- (c) that her husband is an invalid and is dependent or partially dependent upon her for support.

Any reference in this Act to such a widow or widowed mother as is referred to in subsection (1) hereof shall be deemed to include a reference to such a woman as is referred to in this subsection.

(4) Any widow who proves to the satisfaction of the Bank—

- (a) that she has acted as the foster-mother of any Australian soldier who dies from wounds inflicted, accident occurring, or disease contracted whilst on service in the Great War; and
- (b) that she so acted prior to such Australian soldier enlisting or being appointed for or employed on active service in the said War; and
- (c) that she has not received and will not receive any payment or other consideration from any person in respect of her having so acted,

shall be qualified to make a request to the Bank as provided by this section.

Any reference in this Act to such a widow or widowed mother as is referred to in subsection (1) hereof shall be deemed to include a reference to such a widow as is referred to in this subsection.

67. (1) The Bank may, in the case of any such request as is referred to in section 66, if it thinks fit purchase and become the owner in fee simple of the land, or of the dwelling-house and land, referred to in the request: Provided that—

Bank may purchase land or house as requested.

1316, 1917, s. 7.
1341, 1918, s. 5.
1408, 1919, s. 7.

- I. in the case of a request to purchase land, the Bank considers that the land is suitable as a site for a dwelling-house and that the purchase-price is reasonable; and
- II. in the case of a request to purchase a dwelling-house and land, the purchase-price of the dwelling-house and land, together with the costs and expenses of and incidental to the transfer or conveyance of the dwelling-house and land to the Bank, will not exceed Seven Hundred Pounds.

(2) The price to be paid for the land, or for the dwelling-house and land, so purchased shall be paid as to one-half thereof out of the Fund, and as to one-half thereof out of moneys provided by Parliament for the purposes of this Act.

(3) Any

*Advances for Homes Act.—1928.***PART VI.**

(3) Any land purchased under the authority of this section shall while the same is owned by the Bank, be exempt from State land tax and from water and sewer rates, and from all other rates, taxes, and impositions whatsoever, except municipal or district council rates. All municipal or district council rates payable in respect of any such land while so owned shall be paid by the Treasurer on behalf of the occupier for the time being of the land out of moneys provided by Parliament for the purposes of this Act.

(4) No fine, poundage, or other penalty shall be payable in respect of any municipal or district council rates payable by the Treasurer by reason of this section.

Bank may erect house on land purchased for that purpose.

1316, 1917, s. 8.

68. (1) In any case where the Bank has, pursuant to this Part purchased any land for the purpose of erecting thereon a dwelling-house as a home for such a widow or widowed mother as is referred to in section 66 and for her family, the Bank may erect such a dwelling-house, and all proper appurtenances and conveniences in connection therewith.

(2) The Bank—

(a) may call for tenders for the erection of the said dwelling-house and appurtenances and conveniences, to be sent in within such time, to such place, and to be upon and subject to such terms, conditions, and provisions as the Bank deems advisable, and may accept or reject any tender :

(b) if tenders are not called for, or if no tender is accepted under paragraph (a) hereof, may contract with any person for the erection of the said dwelling-house and appurtenances and conveniences, or may itself erect the same, and, if the Bank thinks proper, may for that purpose contract by petty contracts or on piece-work rates for the erection of any part or parts thereof.

(3) The cost of every such dwelling-house shall be paid as to one-half thereof out of the Fund, and as to one-half thereof out of moneys provided by Parliament for the purposes of this Act.

Person at whose request home purchased to enter into tenancy agreement with Bank.

1316, 1917, s. 9.
1596, 1923, s. 5.

69. (1) Every person at whose request any dwelling-house is erected, or any dwelling-house and land is purchased, under this Part shall enter into an agreement with the Bank for the tenancy of the same for so long as she remains a widow, or, as the case may be, for so long as she is subject to the disabilities, or any of them mentioned in subsection (3) of section 66, but upon her death or re-marriage or upon her ceasing to be subject to the said disabilities, as the case may be, the agreement shall *ipso facto* be determined.

(2) The agreement shall be in such form and shall contain such covenants and conditions as are approved by the Bank: Provided that the rent thereby reserved shall not exceed the sum of Seven Shillings and Six Pence per week.

(3) The

Advances for Homes Act.—1928.

PART VI.

(3) The agreement shall contain (*inter alia*) a covenant that the widow or widowed mother shall, at her own cost and expense (subject to the provisions of section 74), from time to time repair, and at all times during the currency of the agreement keep in good and tenantable repair, the premises therein comprised, and on any breach of that covenant and a continuance of the breach for one month after notice from the Bank to amend the same the agreement shall become void and be determined.

70. (1) The Bank may, upon the expiration of a period of fifty years from the fifteenth day of November, nineteen hundred and seventeen, sell any dwelling-house and land vested in the Bank under section 66 on such terms and conditions as the Bank thinks fit: Provided that the Bank may sell any such dwelling-house and land at any time before the expiration of the said period if the Bank is satisfied that the same is no longer required for the purposes of this Part.

Bank may sell homes after fifty years.
1316, 1917, s. 10.

(2) The Bank shall be entitled to retain out of the amount realised from any such sale the amount of the moneys advanced out of the Fund in respect of the dwelling-house and land sold, and shall pay over the balance to the Treasurer for the public purposes of the State.

71. (1) Any such widow or widowed mother may at any time during the currency of a tenancy agreement under section 69 enter into a contract of sale with the Bank to purchase and become the owner in fee simple of the land and dwelling-house referred to in such first-mentioned agreement.

Widows and widowed mothers of deceased soldiers may purchase dwelling-house.
1316, 1917, s. 11.
1596, 1923, s. 6.

(2) The provisions of Part III., except subsection (2) of section 18, shall apply to every such contract of sale.

(3) The purchase-price shall be the total of the cost to the Bank of the land and dwelling-house, and any expenditure which the Bank incurs, or is made liable for in connection with the said land and dwelling-house.

72. In any case where the agreement for tenancy of any dwelling-house erected or purchased by the Bank pursuant to this Part has been determined, whether as mentioned in section 69 or upon breach of any covenant or condition thereof, the Bank may from time to time re-let the same—

Bank may re-let dwelling-houses.
1316, 1917, s. 12.
1596, 1923, s. 7.

(a) to any such widow or widowed mother as is referred to in section 66 at a rent not exceeding the sum of Seven Shillings and Six Pence per week; or

(b) if there is no such widow or widowed mother desiring to rent the same, then to such other person, and at such rent, as the Bank thinks fit.

73. All moneys received by the Bank by way of rent in respect of any dwelling-house and land vested in the Bank under section 67 of this Act shall be applied in repayment to the Bank of the moneys advanced out of the Fund in respect of the dwelling-house and land,

Rent to be applied in repayment of advances.
1316, 1917, s. 13.

*Advances for Homes Act.—1928.***PART VI.**

land, together with interest on the said moneys at the rate of Four Pounds Ten Shillings per centum per annum.

Bank may effect repairs to homes.
Cf. 1316, 1917, s. 15.

74. (1) In any case where any dwelling-house situated on land vested in the Bank under this Part is in need of any repairs or renovations, and the occupier thereof is unable to effect the repairs or renovations without financial assistance the Bank may, at the request of the occupier, enter into a contract with any person, on such terms as the Bank thinks fit, to effect the repairs or renovations.

(2) The cost of the repairs or renovations shall be paid as to one-half thereof out of the Fund, and as to one-half thereof out of moneys provided by Parliament for the purposes of this Act.

(3) The amount of the cost shall bear interest at the rate of Four Pounds Ten Shillings per centum per annum, and shall be repaid to the Bank by the occupier by equal weekly instalments of principal and interest of such an amount as is fixed in each case by the Bank till the amount and interest thereon have been fully repaid.

PART VII.**PART VII.****MISCELLANEOUS.**

Power to make roads and recover cost.
Cf. 1316, 1917, s. 16.

75. The Bank may form, make, or pave any portion of any street or road abutting on any land which has been sold to any person under this Act, and may recover the cost thereof from the purchaser of the land. Such cost may be recovered summarily or by action in any Court of Competent Jurisdiction.

Recovery of instalments, &c. under repealed Acts. ;

76. All the provisions of this Act relating to the recovery of instalments or interest under any contract of sale or advance or relating to the powers of the Bank on the breach of any of the terms of any contract of sale or advance, shall apply to all instalments or interest due, owing, or payable under, and any breach of any of the terms of any contract of sale or advance entered into or made under any of the provisions of the Acts repealed by this Act.

Extension of time for repayment.
1018, 1910, s. 24.
1096, 1912, s. 7.

77. In cases of hardship, the Bank may extend the time for making any payment required by this Act or any Act repealed by this Act: Provided that the deferred payments shall bear interest at the same annual rate as that which is payable on the purchase-price or advance, as the case may be.

Exemptions from stamp duty.
1018, 1910, s. 25.
1316, 1917, s. 19.

78. (1) All receipts for instalments, or parts thereof, paid to the Bank in or towards payment of any purchase-price or advance shall be exempt from all stamp duties chargeable upon receipts under the Stamp Duties Act, 1923.

(2) No stamp duty under the Stamp Duties Act, 1923, shall be chargeable upon any instrument executed either by the Bank or by any person for the purpose of giving effect to any transaction authorised by Part VI.

79. The

Advances for Homes Act.—1928.

PART VII.

79. The provisions of an Ordinance to regulate the licensing of appraisers in South Australia, being the Ordinance No. 10 of 1843, shall not apply to any appraiser or valuer when acting, or to any valuation made, in connection with the business of the Bank under this Act.

Appraisers Act not to apply.
1018, 1910, s. 26.

80. The Bank shall keep a register or list of all sales of dwelling-houses and of all advances, with the names of the purchasers and borrowers, and also an alphabetical index of the names of those persons. Such register or list and index shall be open to public inspection on the payment of a fee of One Shilling.

Register of advances to be kept for inspection.
1018, 1910, s. 28.

81. The Bank shall within two months after the thirtieth day of June in every year lay before the Governor and publish in the *Government Gazette* a financial statement setting forth, under convenient headings, the receipts and payments of the Bank under this Act during the twelve months ending on the said thirtieth day of June. Every statement shall be laid before Parliament within twenty-one days if Parliament is then sitting, or within twenty-one days of the next meeting of Parliament.

Annual financial statement.
1703, 1925, 2nd schedule.

82. The annual financial statement required by virtue of section 81 shall show, in respect of the previous financial year—

Financial statement.
Cf. 1018, 1910, s. 30.

- (a) the financial position of the Fund :
- (b) the financial result of the year's operations under the provisions of this Act :
- (c) the cost of management during the year :
- (d) such other accounts and records (if any) as the Bank think fit or are prescribed.

83. (1) The Treasurer may, from time to time, by notice published in the *Government Gazette*, fix—

The Treasurer may from time to time fix the rate of interest and tables of instalments.
1096, 1912, s. 3.

- (a) the annual rate of interest to be paid on purchase-money and advances under this Act ; and
- (b) tables of the amounts of the quarterly and monthly instalments to be paid by purchasers and borrowers in respect thereof, showing the amounts for the various terms in which such purchase-money or advances shall be paid,

and may, in the same manner, annul any rate or table so fixed.

(2) Any rate or table so fixed shall come into force on the fourteenth day after the date of the *Government Gazette* in which the same is published, and shall continue in force until the fourteenth day after the date of the *Government Gazette* in which the notice annulling the same is published.

84. If the Bank is of opinion that the land or dwelling-house to which any contract of sale or advance under this Act relates is being used for an immoral or unlawful purpose, or that the dwelling-house is being neglected or subjected to ill-usage, or that for any other

Power to determine agreement or mortgage in certain cases.
1316, 1917, s. 17.

reason

Advances for Homes Act.—1928.

PART VII.

reason the contract of sale or advance ought to be determined, the Bank may, without prejudice to any other power or remedy available to it—

- (a) in the case of a contract of sale determine the contract of sale upon such terms (if any) as the Bank thinks proper ; and
- (b) in the case of an advance, cause the borrower's estate and interest in the land and any lease or agreement under which he holds the same to be sold. The provisions of section 37 shall apply to every sale made under the provisions of this subdivision.

Insurance against
fire by Bank.
1440, 1920, s. 8.

85. (1) Any insurance against fire or any other prescribed risk which may be necessary to be effected with respect to any dwelling-house situated on any holding with respect to which a contract of sale or advance has been made under this Act may be underwritten by the Bank, and the premium payable thereon shall be such as is fixed by the Bank from time to time, and shall be paid to the Bank on the same date as the instalments by which the purchase-price or advance is payable.

(2) Any such premium fixed by the Bank shall not exceed the average rate of premiums on fire or other insurance policies with respect to dwelling-houses charged by insurance companies carrying on business in the State, such average rate being determined by the Public Actuary.

Cost of roadmaking
may be recovered
by Bank from
purchaser.
1596, 1923, s. 3.

86. (1) Whenever any land which is or has been held by any person under any contract of sale is vested in the Bank, and the Bank in its capacity as owner thereof incurs or is made liable for expenditure under any other Act, for or in connection with—

- (a) setting out, forming, making, levelling, paving, macadamizing, draining, or otherwise repairing any road or street or part of a road or street ; or
- (b) paving any footway or part of a footway,

then the amount of the expenditure shall be added to the amount outstanding of the purchase-price of the said land, and shall for the purpose of the payment of interest, and for all other purposes whatsoever form part thereof, and the instalments of principal and interest thereafter becoming due on the purchase-price shall be increased proportionately.

(2) Notwithstanding any provision of the District Councils Act, 1914, or the Municipal Corporations Act, 1923, whenever any land vested in the Bank is held by any person under an agreement with the Bank for the tenancy of the same, and the Bank, in its capacity as owner thereof, incurs or is made liable for expenditure, as mentioned in subsection (1) of this section, the person holding the land as tenant shall pay to the Bank the amount of the expenditure by weekly payments of such an amount as is fixed in each case by the Bank, which payments shall for all purposes form part of the rent reserved by the said agreement.

Advances for Homes Act.—1928.

PART VIII.

PART VIII.

REGULATIONS.

87. The Governor may from time to time make regulations for all or any of the following purposes, namely :—

Regulations.
1018, 1910, s. 31.
1703, 1925, s. 54.

- (a) prescribing the mode in which applications for assistance under this Act or any Part thereof are to be made :
- (b) regulating the consideration and granting of applications :
- (c) prescribing what inquiries and valuations shall be made in relation to applications :
- (d) prescribing the manner in which the amounts of instalments of advances shall be determined and paid to borrowers :
- (e) prescribing plans and specifications for buildings to be erected with the assistance of advances, or on lands held under leases from the Bank, whether with the assistance of advances or not :
- (f) prescribing the principle and method to be adopted by valuers in valuing the progress made with buildings and reporting thereon :
- (g) prescribing the forms of contracts of sale and mortgages and securities to be taken and of leases and tenancy agreements to be granted by the Bank, and providing for the registration of the said mortgages and securities and leases and agreements :
- (h) prescribing the records, books, and accounts to be kept by the Bank :
- (i) providing for the receipt and payment of moneys under this Act, and the safe custody of securities :
- (j) prescribing the fees to be paid in respect of contracts of sale, advances, and leases :
- (k) prescribing anything which by this Act is required to be or may be prescribed :
- (l) prescribing anything which may be necessary or convenient for carrying out the objects and provisions of this Act.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.

Advances for Homes Act.—1928.

THE SCHEDULE.

ACTS REPEALED.

Section 2.

Reference to Act.	Title.	Extent of Repeal.
No. 1018 of 1910 ..	The Advances for Homes Act, 1910	The whole
No. 1047 of 1911 ..	The Advances for Homes Act Amendment Act, 1911	The whole
No. 1096 of 1912 ..	The Advances for Homes Act Further Amendment Act, 1912	The whole
No. 1246 of 1916 ..	Advances for Homes Act Further Amendment Act, 1916	The whole
No. 1316 of 1917 ..	Advances for Homes Act Further Amendment Act, 1917	The whole
No. 1341 of 1918 ..	Advances for Homes Act Further Amendment Act, 1918	The whole
No. 1408 of 1919 ..	Advances for Homes Act Further Amendment Act, 1919	The whole
No. 1440 of 1920 ..	Advances for Homes Act Further Amendment Act, 1920	The whole
No. 1467 of 1921 ..	Advances for Homes Act Further Amendment Act, 1921	The whole
No. 1507 of 1922 ..	Advances for Homes Act Further Amendment Act, 1922	The whole
No. 1566 of 1923 ..	Advances for Homes Act Further Amendment Act, 1923	The whole
No. 1596 of 1923 ..	Advances for Homes Act Further Amendment Act, 1923	The whole
No. 1651 of 1924 ..	Advances for Homes Act Further Amendment Act, 1924	The whole
No. 1703 of 1925 ..	State Bank Act, 1925	Subsection (2) of section 54. The Second Schedule