



ANNO OCTAVO

GEORGII V REGIS.

A.D. 1917.

No. 1316.

An Act to amend the Advances for Homes Act Further Amendment Act, 1916, and for other purposes.

[*Assented to, November 15th, 1917.*]

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

1. (1) This Act may be cited alone as the "Advances for Homes Act Further Amendment Act, 1917." Short titles.

(2) The Advances for Homes Acts, 1910 to 1916, and this Act, may be cited together as the "Advances for Homes Acts, 1910 to 1917."

(3) The Advances for Homes Act Further Amendment Act, 1916, is hereinafter referred to as "the amending Act of 1916." No. 1246 of 1916.

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

Amendments.

3. Section 4 of the amending Act of 1916 is amended as follows:— Amendment of Act 1246, 1916, s. 4—

I. Subsection (4) thereof is repealed.

II. Subsection (5) thereof is amended so as to read as follows:—

(5) No person shall be qualified to make a request under this Act unless he is—

(a) a returned soldier, or

(b) the

Returned soldiers, etc., may request Board to purchase land for dwelling-house.

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- (b) the widow or one of the parents of any such person as is referred to in subdivision (a) of the definition of "returned soldier" contained in this subsection who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted whilst on service in the war in which His Majesty is at present engaged.

In this subsection—

"Returned soldier" means any person—

- (a) who has been a member of the Australian Imperial Force or of any other naval or military force raised in the Commonwealth by the Minister of Defence for service outside the Commonwealth in the war in which His Majesty is at present engaged, or, having been at the commencement of such war a *bona fide* resident of this State, has afterwards become a member of any naval or military force raised in any part of His Majesty's Dominions for service in such war outside the country wherein such force is raised; and

(b) who has received his discharge from service, but does not include—

- i. any person whose discharge from service was due to incapacity resulting from, or otherwise arose out of, his own default or misconduct, or
- ii. any unmarried person.

Repeal of *ibid.*, s. 8.—
Rebate of interest.

4. Section 8 of the amending Act of 1916 is repealed.

Amendment of
ibid., s. 9—

5. Section 9 of the amending Act of 1916 is repealed, and the following section is hereby enacted and substituted in lieu thereof:—

Provision for
advances for homes
for returned soldiers
and dependents of
deceased soldiers.

9. (1) Subject to the provisions of the principal Act (except where the same are inconsistent with the provisions of this section)—

- i. any person entering into such an agreement as is required by section 7 of this Act may apply to the Board for an advance for the purpose of enabling him to erect on the land comprised in such agreement a dwelling-house as a home for himself and his family:
- ii. any such person as is referred to in subsection (5) of section 4 of this Act who has not purchased or entered into an agreement to purchase land as provided by section 7 of this Act may apply to the Board for an advance for the purpose of enabling him—

(a) to

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- (a) to erect a dwelling-house on his holding as a home for himself and his family, or, after erection or partial erection of a dwelling-house on his holding, to enlarge or complete the same:
- (b) to purchase a house and land enclosed or occupied therewith as a home for himself and his family: or
- (c) to discharge any mortgage already existing on his holding,

and, subject as aforesaid, the Board may make advances to any such person for any of such purposes.

(2) No advance shall be made to any person who at the time of his application for such advance is in receipt of an income exceeding Three Hundred Pounds per annum.

(3) Advances may be made for the purpose mentioned in paragraph i. of subsection (1) hereof of an amount not exceeding the value of the dwelling-house to be erected: Provided that the Board shall not execute a conveyance or transfer of any land with respect to which an advance has been made for such purpose during the period of ten years next after the date of the agreement entered into under section 7 of this Act with respect to such land, unless the full amount payable by the purchaser under the said agreement and the total advances made for the erection of a dwelling-house on such land have been repaid to the Board, together with the interest payable thereon, before the expiration of such period.

(4) Advances may be made for any purpose mentioned in subdivision (a) of paragraph ii. of subsection (1) hereof of an amount not exceeding the value of the dwelling-house to be erected, enlarged or completed, and the holding upon which the same is to be erected or stands.

(5) Advances may be made for the purpose mentioned in subdivision (b) of paragraph ii. of subsection (1) hereof of an amount not exceeding the fair estimated value of the house and land to be purchased: Provided that such house and land when purchased shall be vested in the Board, and the Board shall not execute a conveyance or transfer of such house and land during the period of ten years next after the date of the purchase of such house and land, unless the total advances in respect of such house and land have been repaid to the Board, together with the interest payable thereon, before the expiration of such period.

(6) Advances may be made for the purpose mentioned in subdivision (c) of paragraph ii. of subsection (1) hereof of an amount not exceeding the fair estimated value of the applicant's estate

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estate or interest in the holding and the permanent improvements thereon: Provided that the total advances to any person shall not exceed the amount required to discharge the mortgage existing on the applicant's holding.

(7) Notwithstanding anything in this section, at no time shall the total advances to any person, including the whole of the original amount to be repaid by such person to the Board pursuant to his agreement under section 7 of this Act, exceed Six Hundred Pounds.

(8) Any advance for the erection of a dwelling-house may be made by instalments as the work progresses.

(9) Every advance shall be for the term of fifty years, and shall bear interest at the rate of Four Pounds Ten Shillings per centum per annum, and shall be repayable by equal monthly instalments of principal and interest of Eight Shillings and Five Pence per centum, being such instalments as are sufficient to repay the same in such term at such rate of interest. Section 17 of the Advances for Homes Act, 1910, shall not apply in respect of such instalments.

(10) Any land with respect to which an advance has been made under this Act, and the owner and the occupier for the time being of such land in respect thereof, shall, for the period of five years next after the date of the making of such advance, be exempt from State land tax and from municipal, district council, water and sewer rates, and all other rates, taxes, and impositions whatsoever.

(11) Any insurance against fire which may be necessary to be effected with respect to any dwelling-house situated on any holding with respect to which an advance has been made under this Act may be underwritten by the Board, and the premium payable thereon shall be such as is fixed by the Board from time to time, and shall be paid to the Board on the same dates as the instalments by which such advance is repayable.

(12) Any person to whom an advance has been made by the Board under the provisions of this Act or any Act incorporated with this Act shall not be entitled to make to the Board any further application for an advance under this Act.

Special Provision for Widows and Widowed Mothers of Deceased Soldiers.

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

6. (1) The widow or widowed mother of any such person as is referred to in subdivision (a) of the definition of "returned soldier" contained in section 4 of the amending Act of 1916 (as amended by this Act) who has heretofore died or hereafter dies from wounds inflicted, accident occurring, or disease contracted whilst on service in

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in the war in which His Majesty is at present engaged, if she desires to obtain a permanent home for herself and her family and is unable to do so without assistance, may request the Board—

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

for the purpose of enabling the Board 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 Board requires; and
- (b) shall be supported by such evidence (if any) as the Board requires.

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

- (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 by him, or
- (c) that her husband is an invalid and is dependent upon her for support.

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

7. (1) The Board may, in the case of any such request as referred to in section 6 of this Act; if it thinks fit purchase and become the owner in fee simple of the land, or of the house and land, referred to in such request: Provided that—

Board may purchase land or house as requested.

- I. in the case of a request to purchase land, the purchase price of such land, together with the costs and expenses of and incidental to the transfer or conveyance of such land to the Board, will not exceed One Hundred Pounds, and the Board considers that such 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 house and land, the purchase price of such house and land, together with the costs and expenses of and incidental to the transfer or conveyance of such house and land to the Board, will not exceed Six Hundred Pounds.

(2) The

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(2) The price to be paid for the land, or for the 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 land purchased under the authority of this section shall, while the same is owned by the Board, be exempt from State land tax and from municipal, district council, water and sewer rates and all other rates, taxes, and impositions whatsoever.

Board may erect house on land purchased for that purpose.

8. (1) In any case where the Board has pursuant to section 6 of this Act purchased any land for the purpose of erecting thereon a dwelling-house as a home for such a widow or widowed mother as referred to in section 6 of this Act and for her family, the Board may erect such dwelling-house, and all proper appurtenances and conveniences in connection therewith.

(2) The Board—

(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 Board 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 Board thinks proper, may for such 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 Board.

9. (1) Any widow or widowed mother at whose request any dwelling-house is erected, or any house and land is purchased, under this Act shall enter into an agreement with the Board for the tenancy of the same for so long as she remains a widow, but upon her death or remarriage such agreement shall *ipso facto* be determined.

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

(3) Such agreement shall contain (*inter alia*) a covenant that such widow or widowed mother shall, at her own cost and expense (subject to the provisions of section 14 of this Act), from time to time repair, and at all times during the currency of the agreement

keep

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keep in good and tenantable repair, the premises therein comprised, and on any breach of such covenant and a continuance of such breach for one month after notice from the Board to amend the same the agreement shall become void and be determined.

10. (1) The Board may, upon the expiration of a period of fifty years from the passing of this Act, sell any dwelling-house and land vested in the Board under section 7 of this Act, on such terms and conditions as the Board thinks fit:—Provided that the Board may sell any such dwelling-house and land at any time before the expiration of such period if the Board is satisfied that the same is no longer required for the purposes of this Act.

Board may sell homes after fifty years.

(2) The Board 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.

11. (1) Any such widow or widowed mother as mentioned in section 6 of this Act may at any time during the currency of the agreement therein referred to enter into an agreement with the Board 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.

(2) Upon the execution of such agreement for purchase, the amount of the total cost to the Board of such land and dwelling-house shall be deemed to be an advance to such widow or widowed mother made to her under the amending Act of 1916 as amended by this Act, and shall be repayable as therein provided, and the provisions of that Act shall, *mutatis mutandis*, apply.

12. In any case where the agreement for tenancy of any dwelling-house erected or purchased by the Board pursuant to this Act has been determined, whether as mentioned in section 9 of this Act or upon breach of any covenant or condition thereof, the Board may from time to time re-let the same—

Board may re-let dwelling-houses.

(a) to any such widow or widowed mother as referred to in section 6 of this Act at a rent not exceeding the sum of Six Shillings 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 Board thinks fit.

13. All moneys received by the Board by way of rent in respect of any dwelling-house and land vested in the Board under section 7 of this Act shall be applied in repayment to the Board of the moneys advanced out of the Fund in respect of such dwelling-house and land, together with interest on such moneys at the rate of Four Pounds Ten Shillings per centum per annum.

Rent to be applied in repayment of advances.

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Miscellaneous Provisions.

No advance to be made without authority of Minister.

14. (1) No advance shall be made, nor shall any house or land be purchased or any dwelling-house erected, by the Board under the amending Act of 1916 or this Act, except with the authority of the Minister.

(2) In this section "Minister" means the Minister of Repatriation or other the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.

Board may effect repairs to homes.

15. (1) In any case where any dwelling-house situated on land vested in the Board, or with respect to which an advance has been made by the Board under the amending Act of 1916, is in need of any repairs or renovations, and the owner or occupier thereof is unable to effect such repairs or renovations without financial assistance, the Board may, at the request of the owner or occupier, enter into a contract with any person, on such terms as the Board thinks fit, to effect such repairs or renovations.

(2) If the owner or occupier is the widow or widowed mother of a deceased soldier, the cost of such 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, and in all other cases such cost shall be paid out of the Fund.

(3) The amount of such cost shall bear interest at the rate of Four Pounds Ten Shillings per centum per annum, and shall be repaid to the Board by such owner or occupier by equal weekly instalments of principal and interest of Two Shillings per centum till such amount and interest thereon have been fully repaid: Provided that if the owner or occupier is the widow or widowed mother of a deceased soldier the weekly instalments to be paid pursuant to this subsection shall not exceed One Shilling per centum.

Board may make roads and recover cost from adjoining owners.

16. (1) The Board may form, make or pave any portion of any street or road abutting on any land vested in the Board or in respect of which an advance has been made by the Board under the amending Act of 1916, and may recover the cost thereof from the owners of the land abutting on such portion of street or road ratably according to the lineal frontage of the premises abutting on such portion. Such cost may be recovered summarily or by action in any Court of competent jurisdiction.

(2) The proportion of such cost payable by the owner of any land in respect to which an advance has been made by the Board under the amending Act of 1916 shall be added to the amount of such advance and shall be deemed to be part thereof and shall be repayable in like manner.

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17. In the case of any agreement entered into under section 7 of the amending Act of 1916, or under section 9 of this Act, and any mortgage to secure any advance under the amending Act of 1916, if the Board is of opinion that the land or dwelling-house to which such agreement or mortgage relates is being used for an immoral or unlawful purpose, or that such dwelling-house is being neglected or subjected to ill-usage, or that for any other reason such agreement or mortgage ought to be determined, the Board may, without prejudice to any other power or remedy available to it—

Power to determine agreement or mortgage in certain cases.

- (a) in the case of an agreement, determine the agreement, upon such terms (if any) as the Board thinks proper; and
- (b) in the case of a mortgage, cause the mortgagor's estate and interest in the mortgaged land and any lease or agreement under which he holds the same to be sold. The provisions of section 20 of the Advances for Homes Act, 1910, shall apply to every sale made under the provisions of this subdivision.

18. Where any advance has been made prior to the passing of this Act to any such person as is referred to in subsection (5) of section 4 of the amending Act of 1916, the interest payable on such advance shall be reduced to such rate, and the term within which such advance is repayable shall be extended to such term, as is provided for by the said Act as amended by this Act.

Provision for cases where advance already made to returned soldier.

19. Notwithstanding anything contained in the Stamp Acts, 1886 to 1916, no stamp duty shall be chargeable upon any instrument executed either by the Board or by any returned soldier or other person for the purpose of giving effect to any transaction authorised by this Act or the amending Act of 1916.

Instruments to be exempt from stamp duty.

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

H. L. GALWAY, Governor.