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## WAR SERVICE HOMES.

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**No. 54 of 1935.**

An Act to amend the *War Service Homes Act*  
1918-1934.

[Assented to 6th December, 1935.]

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

- 1.—(1.) This Act may be cited as the *War Service Homes Act* 1935.  
(2.) The *War Service Homes Act* 1918-1934\* is in this Act referred  
to as the Principal Act. Short title  
and citation.  
(3.) The Principal Act, as amended by this Act, may be cited as  
the *War Service Homes Act* 1918-1935.

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\* Act No. 43, 1918, as amended by No. 28, 1919; No. 35, 1920; No. 18, 1923; No. 26, 1925  
No. 47, 1926; No. 17, 1927; No. 13, 1929; No. 6, 1932; No. 68, 1932; and No. 63, 1934.

Tenure of  
Commissions.

2. Section eight of the Principal Act is amended by omitting from sub-section (2.) the word "three" and inserting in its stead the word "five".

3. After section twenty-nine of the Principal Act the following section is inserted :—

Reduction of  
instalments.

"29AA.—(1.) Notwithstanding anything contained in this Act, where, in the opinion of the Minister, the payment by a widow or widowed mother of an Australian soldier or by the wife of an Australian soldier who is temporarily or permanently insane of the full amount of any instalments required to be paid under sub-section (1.) of the last preceding section would cause hardship, the Minister may, from time to time, reduce the amount of any such instalments.

(2.) No reduction under this section in the amount of any instalment shall relieve any widow, widowed mother or wife from liability to pay the full amount of the purchase money or repay the full amount of the advance, as the case may be, together with interest thereon."

Action on  
instalments  
being overdue.

4.—(1.) Section thirty-six of the Principal Act is amended by omitting from the proviso to paragraph (a) of sub-section (1c.) all the words from and including the words " Provided that " to and including the words " Forty pounds ; ".

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

War Service  
Homes Trust  
Account.

5. Section thirty-nine of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (2.) the word "and";

(b) by inserting after paragraph (c) of sub-section (2.) the following paragraph :—  
" ; and

(d) the amount by which any instalment payable under section twenty-nine of this Act by a widow, widowed mother or wife of an Australian soldier is reduced under section twenty-nine AA of this Act : " ; and

(c) by inserting in paragraph (e) of sub-section (3.), after the word "the" (second occurring), the words "War Service Homes Relief Trust Account and out of the".

6. After section thirty-nine of the Principal Act the following section is inserted :—

War Service  
Homes Relief  
Trust Account;

"39A.—(1.) For the purposes of this Act there shall be a War Service Homes Relief Trust Account, which shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act* 1901-1934.

(2.) To that Trust Account there shall be credited—

(a) the sum of Five thousand pounds ;

- (b) such other moneys as are from time to time appropriated by the Parliament for the purposes of relief to widows, widowed mothers and wives of Australian soldiers; and
  - (c) any sums received by way of further payments as specified in sub-section (5.) of this section or by way of repayment as specified in sub-section (6.) of this section.
- (3.) The Consolidated Revenue Fund is hereby appropriated to the extent necessary for the purpose of crediting to the Trust Account the sum referred to in paragraph (a) of the last preceding sub-section.
- (4.) To that Trust Account there shall be debited—
- (a) the amount by which any instalment payable under section twenty-nine of this Act by a widow, widowed mother or wife of an Australian soldier is reduced under section twenty-nine AA of this Act; and
  - (b) any moneys paid by the Commissioner—
    - (i) in respect of expenses incurred under paragraph (a) of sub-section (2.) of section thirty-one of this Act (together with interest thereon as provided by that paragraph); or
    - (ii) for rates, taxes, charges, assessments or outgoings, in respect of any property comprised in any contract of sale, mortgage or other security with or by a widow, widowed mother or wife of an Australian soldier, the repayment of which would, in the opinion of the Minister, cause hardship.
- (5.) Where the full amount of any purchase money or advance has been credited to the War Service Homes Trust Account, partly by way of instalments received from the widow, widowed mother or wife, and partly by way of moneys debited to the War Service Homes Relief Trust Account under paragraph (a) of the last preceding sub-section, any further payments by that widow, widowed mother or wife in respect of that purchase money, advance or interest shall be credited to the War Service Homes Relief Trust Account.
- (6.) Where any widow, widowed mother or wife repays to the Commissioner the amount of any moneys specified in paragraph (b) of sub-section (4.) of this section and debited to the War Service Homes Relief Trust Account, that amount shall be credited to that Trust Account.”.

7. Section forty-one of the Principal Act is amended by omitting from paragraph (c) all the words after “dwelling-house—” (second occurring) and inserting in their stead the following words :—

Adjustment on destruction of or damage to property.

“ may apply the amount so drawn in satisfaction or reduction of any amount due to the Commissioner by the insured person in respect of any purchase money and interest, or of the balance of the principal and interest unpaid under a contract of sale or mortgage, and shall pay the balance (if any) to the person entitled to receive it ”.