

WAR SERVICE HOMES.

No. 69 of 1954.

An Act to amend the *War Service Homes Act* 1918-1951.

[Assented to 8th November, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *War Service Homes Act* 1954.

(2.) The *War Service Homes Act* 1918-1951* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *War Service Homes Act* 1918-1954.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Interpretation.

3. Section four of the Principal Act is amended—

- (a) by inserting in paragraph (c) of the definition of "Australian Soldier" in sub-section (1.), after the word "Australia", the words "or a Territory of the Commonwealth";
- (b) by inserting in paragraph (d) of the definition of "Australian Soldier" in sub-section (1.), after the word "Australia", the words "or a Territory of the Commonwealth";
- (c) by inserting in paragraph (e) of the definition of "Eligible person" in sub-section (1.), after the word "Australia", the words "or a Territory of the Commonwealth";
- (d) by inserting in paragraph (f) of the definition of "Eligible person" in sub-section (1.), after the word "Australia", the words "or a Territory of the Commonwealth";
- (e) by omitting from sub-section (1.) the definition of "Holding" and inserting in its stead the following definition:—
 " 'Holding', in relation to an applicant or borrower, means—
 (a) land of which he is the beneficial owner in fee simple;
 (b) land of which he is the lessee under a Crown lease in perpetuity from a State; or

* 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; Nos. 6 and 68, 1932; No. 63, 1934; No. 54, 1935; No. 25, 1937; No. 1, 1941; No. 8, 1946; Nos. 1, 38 and 71, 1947; No. 67, 1948; No. 24, 1949; and No. 74, 1951.

- (e) land in a Territory of the Commonwealth of which he is the lessee under a lease from the Commonwealth or from the Administration of the Territory in perpetuity or for a term of not less than ninety-nine years,

and includes a suburban holding held by him under the Crown Lands Consolidation Act, 1913 of the State of New South Wales, or under that Act as amended at any time or under an Act enacted in substitution for that Act, being a suburban holding an application for which has been confirmed in accordance with the law of that State; ”; and

- (f) by inserting in sub-section (1.), after the definition of “Purchaser”, the following definition:—

“ ‘Territory of the Commonwealth’ means a Territory of the Commonwealth to which this Act applies; ”.

4. After section four of the Principal Act the following section is inserted:—

“ 4AA.—(1.) Subject to this section, this Act (other than sub-section (2.) of section sixteen) extends to Norfolk Island, the Territory of Papua and the Territory of New Guinea.

Extension of
Act to certain
Territories.

“ (2.) Sub-section (1.) of section sixteen of this Act shall be deemed not to authorize the Director to acquire by compulsory process land in a Territory referred to in the last preceding sub-section.”.

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

“ 4B.—(1.) Where a person applies for assistance under this Act, the Director may, at any time after receipt of the application, determine—

Deferment
of eligibility, &c.

- (a) whether the applicant is an eligible person as defined in section four of this Act, is a person included in paragraph (b) or (d) of the definition of ‘Australian Soldier’ in that section, or is the wife of an eligible person who is temporarily or permanently insane, as the case requires; and

- (b) if the provisions of section nineteen A or twenty-three of this Act are relevant to the application, whether the applicant, or the wife or husband of the applicant, is the owner of a dwelling-house other than that in respect of which the application for assistance has been made.

“ (2.) Where the Director has, in pursuance of the last preceding sub-section, determined that an applicant is a person referred to in paragraph (a) of the last preceding sub-section, the applicant shall, for the purposes of the assistance for which application has been made, be deemed not to cease to be such a person by reason only of an act or occurrence subsequent to the determination.

“(3.) Where the Director has, in pursuance of sub-section (1.) of this section, determined that neither an applicant, nor the wife or husband of an applicant, is the owner of a dwelling-house other than that in respect of which the application for assistance has been made, the applicant shall be deemed not to be disqualified for the assistance for which application has been made by reason only of the fact that the applicant, or the wife or husband of the applicant, becomes the owner of such a dwelling-house after the determination has been made.

“(4.) In this section, the expression ‘assistance under this Act’, in relation to an applicant, means the exercise in favour of the applicant of any of the powers of the Director under sections seventeen, seventeen A, nineteen and twenty of this Act.”.

**Delegation
of powers
by Director.**

6. Section fourteen of the Principal Act is amended by omitting from sub-section (1.) the words “State or part of the Commonwealth” (wherever occurring) and inserting in their stead the words “State, part of the Commonwealth or Territory of the Commonwealth”.

**Acquisition
of land.**

7. Section sixteen of the Principal Act is amended—

(a) by omitting from sub-section (2.) the words “under this section” and inserting in their stead the words “by agreement or by compulsory process under the last preceding sub-section”; and

(b) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) For the purposes of this Act, the Director may, by agreement, acquire from the Crown or the Administration of a Territory of the Commonwealth a lease of, or other interest in, land in a Territory of the Commonwealth.”.

**Sale of
dwelling-houses.**

8. Section nineteen of the Principal Act is amended by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) Notwithstanding the provisions of the last preceding sub-section—

(a) where the Director sells a dwelling-house, together with the land on which it is erected, to an eligible person, the Director shall require a deposit of not less than the amount (if any) by which the purchase money exceeds Two thousand seven hundred and fifty pounds; and

(b) where the Director sells a dwelling-house, together with the land on which it is erected, to two or more persons jointly under sub-section (1A.) of this section, the Director shall require a deposit of not less than the amount (if any) by which the purchase money exceeds an amount calculated at the rate of Two thousand seven hundred and fifty pounds for each purchaser.”.

9. Section twenty-one of the Principal Act is amended—

Maximum
advance.

- (a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) The amount of the advance which may be made to an eligible person under this Part is the amount (not exceeding ninety per centum of the total value of the property in respect of which the advance is made) which the Director considers necessary in order to give effect to the purpose for which the advance is made, but no such advance shall exceed Two thousand seven hundred and fifty pounds.”; and

- (b) by omitting from sub-section (1A.) the words “or Two thousand pounds, as the case may be”.

10. Section twenty-nine of the Principal Act is amended—

Payment of
purchase money
and repayment
of advance.

- (a) by omitting sub-sections (1.) and (1A.) and inserting in their stead the following sub-sections:—

“(1.) The contract or mortgage in respect of a purchase or an advance shall provide for payment of the purchase money or repayment of the advance, together with interest in respect of the purchase money or advance, by equal instalments, over a period ending—

- (a) where the purchaser or borrower is the widow or widowed mother of an Australian soldier—not more than fifty years after the day specified in the next succeeding sub-section; and
(b) in any other case—not more than forty-five years after the day so specified.

“(1A.) The day referred to in the last preceding sub-section is—

- (a) where the contract or mortgage relates to a dwelling-house which is to be erected, completed or enlarged—the first day of the second month to commence after the day on which the Director certifies that the dwelling-house, or the enlargement of the dwelling-house, is available for occupation or, where the contract or mortgage relates to a dwelling-house which is to be completed, that the dwelling-house has been completed; and
(b) in any other case—the first day of the second month to commence after the day on which the contract is entered into or the mortgage is executed, as the case may be.

“(1B.) A contract or mortgage in respect of a purchase or advance may, by agreement between the parties, be varied so as to extend the period over which instalments are payable under the contract or mortgage and to reduce the amount of each instalment, but the variation shall

not extend that period beyond the maximum period that was applicable to the contract or mortgage under the preceding provisions of this section.”; and

(b) by inserting in sub-section (2.), after the word “contract”, the words “or mortgage”.

Leases of
land in
Territories
of the
Commonwealth.

Director not
liable to
pay rates.

Power of
Director to
enter land
and take his
property.

Improper use
of words “War
Service
Homes”.

Annual
report by
Director.

11. Section forty-four of the Principal Act is repealed.

12. Section forty-eight A of the Principal Act is amended by omitting the words “State Act” and inserting in their stead the words “law of a State or Territory of the Commonwealth”.

13. Section forty-eight B of the Principal Act is amended by inserting in sub-section (2.), after the word “State”, the words “or Territory of the Commonwealth”.

14. Section fifty A of the Principal Act is amended by omitting from paragraph (d) of sub-section (2.) the words “in Australia” and inserting in their stead the words “in a State or a Territory of the Commonwealth”.

15. Section fifty B of the Principal Act is amended by inserting in paragraph (a) of sub-section (1.), after the word “State”, the words “or Territory of the Commonwealth”.
