

HOMES SAVINGS GRANT.

No. 51 of 1964.

An Act to assist Young Married Persons to purchase or build their own Homes.

[Assented to 28th May, 1964.]

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

PART I.—PRELIMINARY.

- Short title.** 1. This Act may be cited as the *Homes Savings Grant Act 1964*.
- Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.
- Parts.** 3. This Act is divided into Parts, as follows:—
Part I.—Preliminary (Sections 1–5).
Part II.—Administration (Sections 6–13).
Part III.—Grants to Eligible Persons (Sections 14–24).
Part IV.—Miscellaneous (Sections 25–33).
- Interpretation.** 4.—(1.) In this Act, unless the contrary intention appears—
“approved interest”, in relation to a person in relation to land or to a dwelling-house of a kind commonly known as a flat or home unit, means—
(a) an estate in fee simple;
(b) an interest as purchaser of an estate in fee simple from the Crown in right of a State where payment of the purchase price is to be made by instalments over a period of years;
(c) an estate for life approved by the Secretary for the purposes of this Act;
(d) a lease in perpetuity from the Crown in right of the Commonwealth or a State, including a suburban holding 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; or

- (e) a lease for a term of years from the Crown in right of the Commonwealth or a State or from the owner of an estate in fee simple if the Secretary is satisfied that the term, covenants and conditions of the lease give reasonable security of tenure to the lessee for a substantial period;
- “ building society ” means a society registered or incorporated as a building society or a co-operative housing society under the law in force in a State or a Territory relating to building societies or co-operative housing societies, and includes a society registered under Part I. of the Building and Co-operative Societies Act, 1901, of the State of New South Wales;
- “ Commonwealth-State Housing Agreement moneys ” means moneys provided by the Commonwealth in pursuance of an Act relating to the grant of financial assistance to the States for the purpose of housing;
- “ credit union ” means a society or other body of persons—
- (a) that is registered or incorporated as a credit union or credit society under the law in force in a State or a Territory relating to credit unions or credit societies; or
 - (b) the principal business of which consists of borrowing moneys from its members and lending those moneys to its members and that is registered or incorporated under the law in force in a State or a Territory relating to such societies or bodies of persons;
- “ friendly society ” means a society registered or incorporated under the law in force in a State or a Territory relating to friendly societies;
- “ officer ” means a person exercising powers, or performing duties or functions, under or in relation to this Act;
- “ savings bank ” means—
- (a) a savings bank within the meaning of the *Banking Act 1959*;
 - (b) the State Savings Bank of Victoria;
 - (c) The Savings Bank of South Australia;
 - (d) The Rural and Industries Bank of Western Australia;
 - (e) The Cairns Co-operative Weekly Penny Savings Bank Limited; and
 - (f) any other bank determined by the Secretary, by notice published in the *Gazette*, to be a savings bank for the purposes of this Act;

“share”, in relation to the capital of a building society, does not include a share in the capital of that society that is quoted for sale or purchase on a Stock Exchange;

“State authority” means a body corporate (not being a bank or an incorporated company, society or association) incorporated for a public purpose by or under a law of a State;

“Territory” means a Territory of the Commonwealth forming part of the Commonwealth;

“the prescribed date”, in relation to an eligible person, means—

(a) in the case of a person who or whose spouse, or who together with his or her spouse, has entered into a contract in writing for the purchase of a dwelling-house situated in Australia—the date of making of the contract;

(b) in the case of a person who or whose spouse, or who together with his or her spouse, has entered into a contract in writing for the construction by a building-contractor of a dwelling-house on land situated in Australia owned by the person or his or her spouse or by both the person and his or her spouse—the date of making of the contract or the date on which the construction of the dwelling-house commenced, whichever was the earlier; or

(c) in the case of a person who or whose spouse, or who together with his or her spouse, has constructed or is constructing, otherwise than through a building-contractor, a dwelling-house on land situated in Australia owned by the person or his or her spouse or by both the person and his or her spouse—the date on which the construction of the dwelling-house commenced;

“the Secretary” means the Secretary to the Department of Housing;

“trading bank” means—

(a) a trading bank within the meaning of the *Banking Act 1959*;

(b) the Rural Bank of New South Wales;

(c) the State Bank of South Australia;

(d) The Rural and Industries Bank of Western Australia; and

(e) any other bank determined by the Secretary, by notice published in the *Gazette*, to be a trading bank for the purposes of this Act.

(2.) A reference in this Act, in relation to any time, to the spouse of an eligible person shall be read as a reference to a person who was the spouse of the eligible person at the date of application by the eligible person for a grant under this Act whether or not the person was the spouse of the eligible person at that time.

(3.) A reference in this Act to moneys saved by a person does not include a reference to moneys borrowed by the person.

(4.) For the purposes of this Act, a person shall be deemed not to have ceased to reside in Australia during any temporary absence from Australia.

(5.) For the purposes of this Act—

(a) a person who has, whether before or after the commencement of this Act, during a period when he was an Australian citizen, saved moneys by depositing those moneys, and maintaining them on deposit, with a branch of a savings bank or of a trading bank in a Territory of the Commonwealth not forming part of the Commonwealth shall be deemed to have saved those moneys in Australia during that period; and

(b) a reference in this Act to a branch in Australia of a savings bank or of a trading bank shall, in relation to such a person, be read as including a reference to a branch of a savings bank or of a trading bank, as the case may be, in such a Territory.

(6.) For the purposes of this Act, a person shall be deemed not to have received a grant under this Act if the person or his or her spouse has paid to the Commonwealth, or the Commonwealth has recovered from the person or his or her spouse, an amount equal to the amount of the grant in pursuance of sub-section (2.) of section twenty-four or section twenty-eight, or of an order under sub-section (2.) of section twenty-six, of this Act.

(7.) For the purposes of this Act, the construction of a dwelling-house shall be deemed to have commenced on the day on which work commenced on the laying of the foundations of the dwelling-house.

5. The object of this Act is to encourage and assist young married persons to purchase or build their own homes and, in the administration of this Act, regard shall be had to that object. Object.

PART II.—ADMINISTRATION.

6. The Secretary has, subject to any directions of the Minister, the general administration of this Act. Administration.

7.—(1.) For the purposes of this Act, the Secretary shall appoint officers of the Department of Housing to be Regional Directors in respect of each State and in respect of the Australian Capital Territory. Regional Directors.

(2.) For the purposes of this section, the Northern Territory of Australia shall be deemed to be part of the State of South Australia.

Delegation.

8.—(1.) The Secretary may, by writing under his hand, delegate to an officer of the Department of Housing, either generally or otherwise as provided in the instrument of delegation, all or any of his powers and functions under this Act, except this power of delegation.

(2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Secretary.

Determination of applications for grants.

9. The Secretary shall, subject to this Act, determine applications for grants.

Review of determinations.

10. Where it appears to the Secretary that sufficient reason exists for reviewing a determination, direction, decision or approval of an officer under this Act (including a determination, direction, decision or approval of the Secretary), the Secretary may review the determination, direction, decision or approval and may affirm, revoke or vary it.

Appeal to Secretary.

11. A person affected by a determination, direction, decision or approval of an officer under this Act (other than a determination, direction, decision or approval of the Secretary) may, within such time (if any) as is prescribed, appeal to the Secretary, and the Secretary may affirm, revoke or vary the determination, direction, decision or approval.

Powers as to taking of evidence and production of documents.

12.—(1.) The Secretary or a Regional Director may, for the purposes of this Act—

- (a) summon witnesses;
- (b) receive evidence on oath or affirmation; and
- (c) require the production of documents.

(2.) A person who has been summoned to appear before the Secretary or a Regional Director shall not, without lawful excuse, after tender of reasonable expenses, fail to appear in obedience to the summons.

(3.) A person, whether summoned or not, who appears before the Secretary or a Regional Director shall not—

- (a) refuse to be sworn as a witness or to make an affirmation;
- (b) fail to answer any question that he is lawfully required to answer; or
- (c) fail to produce any document that he is lawfully required to produce.

Penalty: Twenty pounds.

13.—(1.) A person shall, if the Minister or the Secretary so directs, before entering upon his duties, or exercising any powers or performing any functions, under this Act, make before a Justice of the Peace or a Commissioner for Declarations a declaration in accordance with the prescribed form.

Officers
to observe
secretary.

(2.) A person shall not, directly or indirectly, except in the exercise of his powers, or the performance of his duties or functions, under this Act, and while he is, or after he ceases to be, an officer, make a record of, or divulge or communicate to any person, any information with respect to the affairs of another person acquired by him in the exercise of his powers, or the performance of his duties or functions, under this Act.

(3.) A person who is, or has been, an officer shall not, except for the purposes of this Act, be required—

- (a) to produce in court any document that has come into his possession or under his control in the exercise of his powers, or the performance of his duties or functions, under this Act; or
- (b) to divulge or communicate to a court any matter or thing that has come under his notice in the performance of any such duties or functions.

(4.) Notwithstanding anything contained in the preceding provisions of this section, an officer may—

- (a) if the Minister or the Secretary certifies that it is necessary in the public interest that any information acquired by the officer in the exercise of his powers, or the performance of his duties or functions, under this Act should be divulged, divulge that information to such person as the Minister or the Secretary directs;
- (b) divulge any such information to any prescribed authority or person; or
- (c) divulge any such information to a person who, in the opinion of the Secretary, is expressly or impliedly authorized by the person to whom the information relates to obtain it.

(5.) An authority or person to whom information is divulged under the last preceding sub-section, and any person or employee under the control of that authority or person, is, in respect of that information, entitled to rights and privileges, and subject to obligations and liabilities, under sub-sections (2.) and (3.) of this section as if he were a person performing duties under this Act and had acquired the information in the performance of those duties.

Penalty: Two hundred and fifty pounds.

PART III.—GRANTS TO ELIGIBLE PERSONS.

Eligible
persons.

14. A person is an eligible person for the purposes of this Act if—

- (a) the person is married;
- (b) the person had not, before the prescribed date and the date of his or her marriage, attained the age of thirty-six years;
- (c) the person resided in Australia—
 - (i) in the case of a person who was an Australian citizen throughout the period of three years immediately preceding the prescribed date—during the period of three months immediately preceding that date; or
 - (ii) in any other case—during the period of three years immediately preceding the prescribed date;
- (d) the Secretary is satisfied that the person has saved moneys in Australia throughout a period of not less than three years preceding the prescribed date;
- (e) a grant under this Act has not been made to the person, or to the spouse or a former spouse of the person during his or her marriage to the person;
- (f) the person or his or her spouse has, or the person and his or her spouse have, on or after the second day of December, One thousand nine hundred and sixty-three—
 - (i) entered into a contract in writing for the purchase of a dwelling-house situated in Australia, or for the construction by a building-contractor on land situated in Australia owned by either or both of those persons of a dwelling-house the construction of which commenced on or after that date; or
 - (ii) commenced to construct, otherwise than through a building-contractor, on land situated in Australia owned by either or both of those persons, a dwelling-house that has since that date been completed or on which substantial building progress has been made;
- (g) the person is not an undischarged bankrupt; and
- (h) the person is not serving a term of imprisonment for an offence against the law of the Commonwealth or of a State or Territory of the Commonwealth.

Acceptable savings where prescribed date is not later than 31st December, 1964.

15.—(1.) This section applies to an eligible person in relation to whom the prescribed date is a date not later than the thirty-first day of December, One thousand nine hundred and sixty-four.

(2.) For the purposes of this Act, the acceptable savings of a person to whom this section applies as at a time before the prescribed date are, subject to this Act, the moneys that were saved in Australia before that time by the person and were held at that time in Australia by the person, or by the person jointly with his or her spouse, whether in the form of an investment or otherwise.

(3.) For the purposes of this Act, the acceptable savings of a person to whom this section applies as at the prescribed date are, subject to this Act, the moneys that were saved in Australia before that date by the person and—

- (a) were maintained at that date by the person, or by the person jointly with his or her spouse, on deposit with a branch in Australia of a savings bank or of a trading bank;
- (b) were maintained at that date by the person, or by the person jointly with his or her spouse, on deposit with a building society, friendly society or credit union; or
- (c) were paid before that date by the person or his or her spouse, or by both of those persons, to a building society as subscriptions in respect of shares in the capital of the society and were not repaid before that date.

16.—(1.) This section applies to an eligible person in relation to whom the prescribed date is a date later than the thirty-first day of December, One thousand nine hundred and sixty-four.

Acceptable savings where prescribed date is later than 31st December, 1964.

(2.) For the purposes of this Act, the acceptable savings of a person to whom this section applies as at a time on or before the thirty-first day of December, One thousand nine hundred and sixty-four, are, subject to this Act, the moneys that were saved in Australia before that time by the person and were held at that time in Australia by the person, or by the person jointly with his or her spouse, whether in the form of an investment or otherwise.

(3.) For the purposes of this Act, the acceptable savings of a person to whom this section applies as at a time (in this subsection referred to as "the relevant time") after the thirty-first day of December, One thousand nine hundred and sixty-four, and on or before the thirty-first day of December, One thousand nine hundred and sixty-seven, are, subject to this Act, the moneys that were saved in Australia before the relevant time by the person and—

- (a) in the case of moneys saved before the first day of January, One thousand nine hundred and sixty-five—
 - (i) were maintained at that date and at the relevant time by the person, or by the person jointly with his or her spouse, on deposit with a branch in Australia of a savings bank or of a trading bank;

- (ii) were maintained at that date and at the relevant time by the person, or by the person jointly with his or her spouse, on deposit with a building society, friendly society or credit union; or
 - (iii) were paid before that date by the person or his or her spouse, or by both of those persons, to a building society as subscriptions in respect of shares in the capital of the society and were not repaid before the relevant time; or
- (b) in the case of moneys saved on or after the first day of January, One thousand nine hundred and sixty-five—
- (i) were maintained at the relevant time by the person, or by the person jointly with his or her spouse, on deposit with a branch in Australia of a savings bank or on fixed deposit with a branch in Australia of a trading bank, being a deposit that was described in the books or records of the savings bank or the trading bank, as the case may be, as a Home Savings Account;
 - (ii) were maintained at the relevant time by the person, or by the person jointly with his or her spouse, on deposit with a building society; or
 - (iii) were paid before the relevant time by the person or his or her spouse, or by both of those persons, to a building society as subscriptions in respect of shares in the capital of the society and were not repaid before the relevant time.

(4.) For the purposes of this Act, the acceptable savings of a person to whom this section applies as at a time after the thirty-first day of December, One thousand nine hundred and sixty-seven, are, subject to this Act, the moneys that were saved in Australia before that time by the person and—

- (a) were maintained at that time by the person, or by the person jointly with his or her spouse, on deposit with a branch in Australia of a savings bank or on fixed deposit with a branch in Australia of a trading bank, being a deposit that was described in the books or records of the savings bank or the trading bank, as the case may be, as a Home Savings Account;
- (b) were maintained at that time by the person, or by the person jointly with his or her spouse, on deposit with a building society; or

- (c) were paid before that time by the person, or his or her spouse, or by both of those persons, to a building society as subscriptions in respect of shares in the capital of the society and were not repaid before that time.

17. Where, but for the operation of this section, the acceptable savings of an eligible person as at any time would not include moneys that were saved in Australia by the person before that time and were expended before that time—

Certain payments to be acceptable savings.

- (a) in the payment of the whole or a part of the purchase price in respect of the purchase by the person or his or her spouse, or by both the person and his or her spouse, of land on which there has since that time been constructed, or commenced to be constructed, a dwelling-house in respect of which an application for a grant under this Act has been made by the eligible person;
- (b) in the payment of a deposit in respect of the purchase by either or both of those persons of a dwelling-house in respect of which an application for a grant under this Act has been made by the eligible person; or
- (c) in the purchase of materials to be used in the construction, otherwise than through a building-contractor, on land that is owned by either or both of those persons, of a dwelling-house in respect of which an application for a grant under this Act has been made by the eligible person,

the acceptable savings of the person as at that time include those moneys.

18. Where moneys are maintained on deposit at any time by an eligible person and his or her spouse jointly with a branch in Australia of a savings bank or of a trading bank, then, for the purposes of this Act, one-half of the moneys shall be deemed to be moneys maintained on deposit at that time by the eligible person and one-half by his or her spouse.

Moneys deposited by person and spouse jointly with a bank.

19.—(1.) A reference in this Act to the purchase or ownership by a person of land or of an undivided share in land shall be read as a reference to the purchase or ownership, as the case may be, by the person, otherwise than as a trustee, of an approved interest in the land or in an undivided share in the land.

Purchase or ownership of land and dwelling-houses.

(2.) A reference in this Act to the purchase or ownership of a dwelling-house by a person shall—

- (a) in the case of a dwelling-house not being a dwelling-house of a kind commonly known as a flat or home unit, be read as a reference to the purchase or ownership,

as the case may be, by the person, otherwise than as a trustee, of the land on which the dwelling-house is erected; and

(b) in the case of a dwelling-house being a dwelling-house of a kind commonly known as a flat or home unit, be read as a reference to the purchase or ownership, as the case may be, by the person, otherwise than as a trustee, of—

- (i) an approved interest in the flat or home unit in pursuance of a law of a State or Territory that enables the holding or enjoyment by different persons of proprietary rights in respect of different flats or home units contained in the one building;
- (ii) shares in the capital of a company that is the owner of the land on which the building containing the flat or home unit is erected, being shares that entitle the holder to a right of occupancy (whether under a lease or otherwise) in respect of the flat or home unit; or
- (iii) if the person is the owner of an undivided share in the land on which the building containing the flat or home unit is erected and, by virtue of an agreement between the person and all the other owners of undivided shares in that land, the person is entitled to a right of occupancy in respect of the flat or home unit—the undivided share in that land of the person.

Grants.

20.—(1.) Subject to this section, the Secretary may, in his discretion, on behalf of the Commonwealth, make a grant of moneys in accordance with this Act to an eligible person.

(2.) A grant under this Act shall not be made to an eligible person in respect of a dwelling-house—

- (a) unless the Secretary is satisfied that the eligible person or his or her spouse has or will have, or both the eligible person and his or her spouse have or will have, as the case may be, adequate financial resources (including resources obtained or to be obtained by borrowing) to perform the contract entered into by them for the purchase or construction of the dwelling-house or to complete the construction of the dwelling-house, as the case may be;

- (b) unless the Secretary is satisfied that such one of the following amounts as, having regard to all the circumstances of the case, the Secretary selects does not exceed Seven thousand pounds, that is to say—
- (i) the amount that, in the opinion of the Secretary, was or will be the cost of the dwelling-house; or
 - (ii) the amount that, in the opinion of the Secretary, is the value of the dwelling-house or will be the value of the dwelling-house when it is erected;
- (c) if the eligible person or his or her spouse has, or the eligible person and his or her spouse have, during their marriage owned another dwelling-house;
- (d) unless the Secretary is satisfied that the eligible person and his or her spouse intend to make their home in, or in portion of, the dwelling-house; or
- (e) in the case of a grant in respect of the purchase of a dwelling-house, if the Secretary is satisfied that—
- (i) any moneys will, upon completion of the purchase, be owing by the purchaser to a State or a State authority in respect of a loan in connexion with the purchase made in whole or in part out of Commonwealth-State Housing Agreement moneys;
 - (ii) where the dwelling-house is being purchased from a State or a State authority—the dwelling-house was constructed by or for the State or the same or another State authority and the cost of construction was paid for in whole or in part out of Commonwealth-State Housing Agreement moneys;
 - (iii) where the dwelling-house is situated in the Australian Capital Territory—the dwelling-house is being purchased from the Commonwealth or any moneys will, upon completion of the purchase, be owing by the purchaser to the Commonwealth in connexion with the purchase; or
 - (iv) where the dwelling-house is situated in the Northern Territory of Australia—the dwelling-house is being purchased from the Commonwealth or the Housing Commission of that Territory or any moneys will, upon completion of the purchase, be owing by the purchaser to the Commonwealth or that Housing Commission in connexion with the purchase.

(3.) The reference in sub-paragraph (i) of paragraph (b) of the last preceding sub-section to the cost of a dwelling-house shall be read as a reference to the sum of the amounts respectively paid by the eligible person and his or her spouse—

- (a) in the case of a dwelling-house not being a dwelling-house of a kind commonly known as a flat or home-unit—for an approved interest in the land on which the dwelling-house is, or is being, erected and for the dwelling-house and any other improvements that are, or are being, made to that land; and
- (b) in the case of a dwelling-house being a dwelling-house of a kind commonly known as a flat or home-unit—
 - (i) for an approved interest in the flat or home-unit;
 - (ii) for shares in the capital of a company that is the beneficial owner of an approved interest in the land on which the building containing the flat or home-unit is, or is being, erected, being shares that entitle the holder to a right of occupancy (whether under a lease or otherwise) in respect of the flat or home-unit; or
 - (iii) for an undivided share in an approved interest in the land on which the building containing the flat or home-unit is, or is being, erected and in the building and any other improvements that are, or are being, made to that land,

as the case requires.

(4.) The reference in sub-paragraph (ii) of paragraph (b) of sub-section (2.) of this section to the value of a dwelling-house shall be read as a reference to the sum of the values of the respective beneficial interests of the eligible person and his or her spouse—

- (a) in the case of a dwelling-house not being a dwelling-house of a kind commonly known as a flat or home unit—in an approved interest in the land on which the dwelling-house is, or is being, erected having regard to the dwelling-house and any other improvements that are, or are being, made to that land; and
- (b) in the case of a dwelling-house being a dwelling-house of a kind commonly known as a flat or home unit—
 - (i) in an approved interest in the flat or home unit;
 - (ii) in shares in the capital of a company that is the beneficial owner of an approved interest in the land on which the building containing the

flat or home unit is, or is being, erected, being shares that entitle the holder to a right of occupancy (whether under a lease or otherwise) in respect of the flat or home unit; or

- (iii) in an undivided share in an approved interest in the land on which the building containing the flat or home unit is, or is being, erected having regard to the building and any other improvements that are, or are being, made to that land,

as the case requires.

(5.) A reference in either of the last two preceding sub-sections to land on which a dwelling-house is, or is being, erected includes a reference to the land comprising the curtilage of the dwelling-house but does not include a reference to any part of the land or dwelling-house that the Secretary is satisfied is not, or will not be, used by the eligible person and his or her spouse as a dwelling-house or for purposes connected with the use by those persons of the dwelling-house as a dwelling-house.

21.—(1.) An application for a grant under this Act in respect of a dwelling-house— Applications for grants.

- (a) shall be in writing in accordance with a form made available by the Secretary;
- (b) shall be accompanied by such declarations and other documents as the Secretary requires; and
- (c) shall be furnished to the Regional Director in respect of the State or Territory in which the dwelling-house is, or is to be, situated within three months after the prescribed date or the date of commencement of this Act, whichever is the later, or within such further period (not being a further period exceeding nine months) as the Secretary in special circumstances allows.

(2.) For the purposes of this section—

- (a) the Northern Territory of Australia shall be deemed to be part of the State of South Australia; and
- (b) the Municipality of Queanbeyan in the State of New South Wales shall be deemed to be part of the Australian Capital Territory.

22.—(1.) Subject to the next succeeding sub-section, the amount of a grant under this Act to an eligible person shall not exceed an amount equal to— Amount of grants.

- (a) if the prescribed date in relation to the person is a date not later than the thirty-first day of December, One

thousand nine hundred and sixty-four—one-third of the amount remaining after deducting from the total of—

- (i) any acceptable savings of the person and his or her spouse as at a date seven years before the prescribed date; and
- (ii) the sum of the increases in acceptable savings of the person and his or her spouse in savings years of those persons,

the amount of any decreases in acceptable savings of the person and his or her spouse in those savings years; or

- (b) if the prescribed date in relation to the person is a date later than the thirty-first day of December, One thousand nine hundred and sixty-four—one-third of the amount remaining after deducting from the total of—

- (i) any acceptable savings of the person and his or her spouse as at a date seven years before the prescribed date; and
- (ii) the sum of the adjusted increases in acceptable savings of the person and his or her spouse in savings years of those persons,

the amount of any adjusted decreases in acceptable savings of the person and his or her spouse in those savings years.

(2.) The amounts of any grants under this Act to an eligible person and his or her spouse shall not exceed, in the aggregate, Two hundred and fifty pounds.

(3.) For the purposes of this section, a savings year, in relation to an eligible person, is any of the seven years immediately preceding the prescribed date.

(4.) For the purposes of this section—

- (a) an increase in acceptable savings of an eligible person occurs in a savings year if the acceptable savings of the person as at the end of that year are greater than the acceptable savings of the person as at the commencement of that year; and
- (b) the amount of the increase is the amount by which the acceptable savings as at the end of that year are greater than the acceptable savings as at the commencement of that year.

(5.) For the purposes of this section—

- (a) a decrease in acceptable savings of an eligible person occurs in a savings year if the acceptable savings of the person as at the end of that year are less than the acceptable savings of the person as at the commencement of that year; and
- (b) the amount of the decrease is the amount by which the acceptable savings as at the end of that year are less than the acceptable savings as at the commencement of that year.

(6.) A reference in this section to an adjusted increase in acceptable savings of an eligible person, in relation to a savings year, shall be read as a reference to an increase in acceptable savings of the person in that year reduced, if any excess savings of the person occurred in that year, by the amount of those excess savings.

(7.) A reference in this section to an adjusted decrease in acceptable savings of an eligible person, in relation to a savings year, shall be read as a reference to a decrease in acceptable savings of the person in that year reduced, if there were any excess savings of the person in preceding savings years that are not required by this sub-section to be taken into account in ascertaining adjusted decreases in acceptable savings of the person in relation to any of those preceding savings years, by so much of those excess savings as does not exceed the decrease in acceptable savings of the person in the first-mentioned savings year.

(8.) For the purposes of this section—

- (a) excess savings of an eligible person occur in a savings year if there is an increase in acceptable savings of the person in that year exceeding Two hundred and fifty pounds; and
- (b) the amount of the excess savings is the amount by which that increase exceeds Two hundred and fifty pounds.

(9.) A reference in paragraph (a) of the last preceding sub-section to a savings year shall be read as a reference to a savings year commencing on or after the first day of January, One thousand nine hundred and sixty-five, and not to any other savings year.

(10.) A reference in this section to the spouse of an eligible person does not include a reference to a spouse who is not himself or herself an eligible person.

23.—(1.) A grant under this Act to an eligible person shall be paid at such time as the Secretary determines. Payment of grants.

(2.) A grant to an eligible person shall be paid to the eligible person or, if the eligible person so requests in writing and the Secretary approves, to another person nominated by the eligible person.

(3.) A grant paid in accordance with a request under the last preceding sub-section to a person other than the eligible person shall, for the purposes of this Act, be deemed to have been paid to the eligible person.

Repayment of grants.

24.—(1.) Where, after a grant under this Act in respect of a dwelling-house has been paid to an eligible person—

(a) in the case of a dwelling-house that is being purchased—

(i) the purchase of the dwelling-house is not completed within one month after the date specified in the application for the grant as the date on which it was expected that the purchase would be completed or, if no date was so specified, within one month after the date of payment of the grant; or

(ii) the contract for the purchase of the dwelling-house is discharged otherwise than by performance;

(b) in the case of a dwelling-house that is being constructed—

(i) the construction of the dwelling-house is not completed within six months after the date specified in the application for the grant as the date on which it was expected that the construction would be completed or, if no date was so specified, within six months after the date of payment of the grant; or

(ii) if the dwelling-house is being constructed through a building-contractor—the contract for the construction of the dwelling-house is discharged otherwise than by performance; or

(c) the dwelling-house or portion of the dwelling-house is not occupied by the eligible person and his or her spouse within three months after completion of its purchase or its construction,

the eligible person and his or her spouse shall forthwith notify the Secretary in writing of that fact.

Penalty: Fifty pounds.

(2.) Upon the occurrence of any of the circumstances referred to in paragraph (a), (b) or (c) of the last preceding sub-section, the Secretary may require the eligible person or his or her spouse or both of those persons, by notice in writing

served by post on the person or persons at the last known address or addresses of the person or persons, to pay to the Commonwealth an amount equal to the amount of the grant and, in that case, the amount so payable is recoverable by the Commonwealth in a court of competent jurisdiction from the person, or jointly or severally from the persons, as a debt due to the Commonwealth.

PART IV.—MISCELLANEOUS.

25. Grants under this Act are payable out of the Trust Account established under the *National Welfare Fund Act 1943–1952* and known as the National Welfare Fund. Grants payable out of National Welfare Fund.

26.—(1.) A person shall not—

Offences.

- (a) make, whether orally or in writing, a false or misleading statement—
 - (i) in connexion with, or in support of, an application for a grant under this Act; or
 - (ii) with intent to deceive an officer exercising powers, or performing duties or functions, in relation to this Act;
- (b) obtain payment of a grant under this Act that is not payable;
- (c) obtain payment of a grant under this Act by means of a false or misleading statement or by means of impersonation or a fraudulent device; or
- (d) make or present to an officer a statement or document that is false or misleading in a material particular.

Penalty: Fifty pounds or imprisonment for six months.

(2.) Where a person is convicted of an offence against the last preceding sub-section, the court may, in addition to imposing a penalty in respect of the offence, order him to pay to the Commonwealth an amount equal to the amount of any grant under this Act paid in consequence of the act, failure or omission in respect of which he was convicted.

27.—(1.) Proceedings for an offence against this Act or the regulations may be commenced at any time within three years after the commission of the offence. Prosecutions for offences.

(2.) Offences against this Act or the regulations shall not be prosecuted without the written consent of the Minister, the Secretary or a person authorized in writing by the Secretary to consent to prosecutions for such offences.

Recovery of overpayments.

28. Where an amount of a grant under this Act has been paid to an eligible person in consequence of a false or misleading statement or representation made by the person or his or her spouse or a failure or omission by either or both of those persons to comply with a provision of this Act, an amount equal to the amount so paid is recoverable by the Commonwealth in a court of competent jurisdiction from those persons jointly or severally as a debt due to the Commonwealth.

Information as to applicants.

29.—(1.) Where the Secretary or a Regional Director has reason to believe that a person is in possession of any information in relation to any matter that might affect the payment of a grant under this Act to any other person, he may, by notice in writing served by post on the person at the last known address of the person, require the person to furnish to him a confidential report relating to that matter.

(2.) A person on whom a notice is so served shall furnish a report in accordance with the notice within fourteen days after the notice is served and shall not furnish a report that is false or misleading in a material particular.

Penalty: Twenty pounds.

Indemnity to certain persons.

30. Nothing contained in any law of a State or Territory operates so as to prevent a person from furnishing any information, or making any books, documents or papers available, to the Secretary or to an officer for the purposes of this Act.

Evidence.

31.—(1.) All courts shall take judicial notice of the signature of any person who holds or has held the office of Secretary to the Department of Housing or Regional Director, and of the fact that that person holds or has held that office, if the signature purports to be attached or appended to any official document, and any such document purporting to be so signed is evidence in all courts of the facts and statements contained in the document.

(2.) A certificate in writing signed by a person who holds or has held an office specified in the last preceding sub-section certifying—

(a) that a grant under this Act of a specified amount was paid to a specified person on a specified date; or

(b) that a specified amount is the amount of a grant under this Act paid to a specified person in consequence of a specified act, failure or omission,

is evidence in all courts of the matters certified.

Reports.

32.—(1.) The Secretary shall, as soon as practicable after each thirtieth day of June, furnish to the Minister, for presentation to each House of the Parliament, a report as to the administration and operation of this Act during the year that ended on that date.

(2.) The Minister shall cause a copy of each report of the Secretary to be laid before each House of the Parliament within fifteen sitting days of that House after the receipt of the report by the Minister.

(3.) The first report under this section shall be furnished as soon as practicable after the thirtieth day of June, One thousand nine hundred and sixty-five, and shall relate to the period commencing on the date of commencement of this Act and ending on that thirtieth day of June.

33. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, prescribing penalties not exceeding a fine of Fifty pounds for offences against the regulations. **Regulations.**
