

# HOMES SAVINGS GRANT ACT 1975

No. 49 of 1975

An Act to amend the *Homes Savings Grant Act* 1964-1973.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title  
and citation.

1. (1) This Act may be cited as the *Homes Savings Grant Act* 1975.<sup>1</sup>

(2) The *Homes Savings Grant Act* 1964-1973<sup>2</sup> is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Homes Savings Grant Act* 1964-1975.

Commence-  
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.<sup>1</sup>

Interpret-  
ation.

3. Section 4 of the Principal Act is amended—

(a) by inserting in sub-section (1), after the definition of “savings bank”, the following definition:—

“‘Secretary’ means the Secretary to the Department of Housing and Construction;”;

(b) by omitting from sub-section (1) the definition of “the Secretary”;

(c) by inserting after sub-section (1A) the following sub-section:—

“(1B) A determination by the Secretary, by notice published in the *Gazette*, that a bank is a savings bank or a trading bank for the purposes of this Act may be expressed to have taken effect from a date before the date on which the determination is made (including a date before the commencement of this sub-section) and, where a determination is so expressed to have taken effect from a date before the date on which the determination is made, the bank to which the determination relates shall be deemed for the purposes of this Act to have been a savings bank or a trading bank, as the case may be, on and from the date from which the determination is so expressed to have taken effect.”; and

(d) by inserting after sub-section (5) the following sub-section:—

“(5A) After the establishment of an independent sovereign state in the territories that constitute the Territory of Papua and the Territory of New Guinea, this Act applies in relation to the

territories in which that independent sovereign state was established in like manner as it applied in relation to those territories before the establishment of that independent sovereign state.”.

**4. Section 4B of the Principal Act is amended—**

Approved  
credit  
unions.

- (a) by inserting after sub-section (3) the following sub-section:—

“(3A) The Secretary is not required to approve a credit union for the purposes of this Act where, if the approval were granted, it would, by virtue of sub-section (3), be deemed to have taken effect on and from a date later than 31 December 1976.”; and

- (b) by inserting after sub-section (6) the following sub-section:—

“(6A) Sub-section (6) does not require a credit union to furnish to the Secretary a statement in respect of a financial year ending after 31 December 1976.”.

**5. Section 7 of the Principal Act is amended by inserting after the word “Housing” (wherever occurring) the words “and Construction”.**

Regional  
Directors.

**6. Section 8 of the Principal Act is amended by inserting in sub-section (1), after the word “Housing”, the words “and Construction”.**

Delegation.

**7. After section 8 of the Principal Act the following section is inserted:—**

**“8A. (1) The Secretary may, by writing under his hand—**

Performance  
of functions  
by  
Australian  
Housing  
Corporation.

- (a) authorize the Australian Housing Corporation, either generally or otherwise as provided by the instrument of authorization, to exercise or perform all or any of his powers and functions under this Act; and

- (b) authorize the Australian Housing Corporation to appoint, in respect of each State, an officer of the Corporation to be the Regional Director for that State for the purposes of this Act.

“(2) An authority by the Secretary under paragraph (1) (a) to the Australian Housing Corporation to exercise or perform a power or function authorizes the Corporation to exercise or perform, or, by writing under its common seal, to appoint an officer of the Corporation to exercise or perform, the power or function concerned.

“(3) An appointment under sub-section (2) may be an appointment of—

- (a) a specified officer of the Australian Housing Corporation only; or
- (b) every officer of the Australian Housing Corporation from time to time holding, or performing the duties of, a specified office in the service of the Corporation.

“(4) Where, in pursuance of an authority granted under paragraph (1) (b), the Australian Housing Corporation appoints a Regional Director for a State—

- (a) any appointment under section 7 of a Regional Director for that State ceases to have effect; and
- (b) the Secretary is not required by that section to appoint a Regional Director for that State.

“(5) An authority by the Secretary under this section is revocable at will and, except as provided by sub-section (4), does not prevent the exercise of a power or the performance of a function by the Secretary.

“(6) An appointment by the Australian Housing Corporation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Corporation.”.

Eligible  
married  
persons.

8. Section 14 of the Principal Act is amended by omitting from sub-section (1) the words “A person is an eligible person” and substituting the words “Subject to section 14E, a person is an eligible person”.

Eligible  
widowed  
persons.

9. Section 14A of the Principal Act is amended by omitting the words “A person is an eligible person” and substituting the words “Subject to section 14E, a person is an eligible person”.

Eligible  
divorced  
persons.

10. Section 14C of the Principal Act is amended by omitting the words “A person is an eligible person” and substituting the words “Subject to section 14E, a person is an eligible person”.

11. After section 14D of the Principal Act the following section is inserted:—

Limitation  
on eligibility  
for grants.

“14E. (1) Notwithstanding sections 14, 14A and 14C—

- (a) a person is not an eligible person for the purposes of this Act if the date that would be the prescribed date in relation to the person if he were an eligible person is a date later than 31 December 1976; and
- (b) in the case of a person in relation to whom the prescribed date would be later than 21 August 1976—the person is not an eligible person unless acceptable savings were held by the person or his or her spouse, or by the person jointly with his or her spouse, throughout the period that commenced on 21 August 1973 and ended immediately before the prescribed date.

“(2) For the purposes of the application of paragraph (1) (b) in determining whether a married person is an eligible person for the purposes of this Act, any savings held by the spouse of the person (other than savings held jointly with the person) shall be disregarded unless the requirements of paragraphs 14 (1) (b), (c), (e), (g) and (h) would be satisfied in relation to the spouse if the references in those paragraphs to the person were references to the spouse.”.

**12. Section 20 of the Principal Act is amended—**

Grants.

- (a) by inserting in sub-section (1A) and in paragraph (a) of sub-section (2), after the words “such later time”, the words “(being a time before 1 July 1978)”; and
- (b) by inserting after paragraph (a) of sub-section (2) the following paragraph:—
  - “(aa) in the case of a person who or whose spouse, or who together with his or her spouse, has entered into a contract for the construction of a dwelling-house by a building-contractor unless—
    - (i) the construction of the dwelling-house commenced not later than 31 December 1977; and
    - (ii) the construction of the dwelling-house was completed before 1 July 1978 or the Secretary is satisfied that reasonable progress on the construction of the dwelling-house had been made by that date;”.

**13. Section 21 of the Principal Act is amended—**Applications  
for grants.

- (a) by inserting after sub-section (1C) the following sub-section:—
  - “(1D) Notwithstanding the foregoing provisions of this section, a grant shall not be made to a person under this Act if the application for the grant is furnished after 31 December 1977.”; and
- (b) by omitting from paragraph (b) of sub-section (2) the word “Municipality” and substituting the word “City”.

**14. Section 22 of the Principal Act is amended by adding at the end thereof the following sub-section:—**Amount of  
grant.

“(12) Sub-section (11) does not apply in relation to an application for a grant under this Act where the date that is the assumed date for the purposes of that sub-section is later than 31 December 1976.”.

**15. Section 31 of the Principal Act is amended by inserting in sub-section (1), after the word “Housing”, the words “, Secretary to the Department of Housing and Construction”.**

Evidence.

**16. Section 32 of the Principal Act is amended by adding at the end thereof the following sub-section:—**

Reports.

“(3) The Secretary is not required by sub-section (1) to furnish a report as to the administration and operation of this Act during any year after the year ending on 30 June 1978.”.

**17. The Principal Act is amended as set out in the Schedule.**Formal  
amend-  
ments.

## SCHEDULE

Section 17

## FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter or letters, to identify a section of that Act, and substituting that number expressed in figures:—

Sections 4 (6), 4A (1) and (3), 14B (3), (4), (5) and (7), 14D (3), (4), (5) and (6), 18 (1), 19 (1), 20A (3), 21 (1A) and (1C).

2. The following provisions of the Principal Act are amended by omitting the words “of this Act” and “of this section” (wherever occurring):—

Sections 4B (8), (9) (b), (10) (a) and (10) (b), 13 (5), 14B (3), (4) and (7), 14D (3), (4) and (6), 18 (1), 20 (4), (4A) and (6), 20A (3), 21 (1A) and (1C), 22 (1), (1A), (2A) and (11).

3. The Principal Act is further amended as set out in the following table:—

| Provision                        | Amendment   |
|----------------------------------|---|
| Section 4 (2) (a) (ii) . . . . . | Omit “the twenty-sixth day of October, One thousand nine hundred and sixty-nine”, substitute “26 October 1969”.   |
| Section 4 (6) . . . . .          | Omit “, of this Act” (last occurring).  |
| Section 4A (3) . . . . .         | Omit “of this Act”.   |
| Section 4B (1) . . . . .         | Omit “the thirtieth day of June”, substitute “30 June”.   |
| Section 14 (1) (d) (i) . . . . . | Omit “the thirtieth day of April, One thousand nine hundred and sixty-seven”, substitute “30 April 1967”.   |
| Section 14 (1) (f) . . . . .     | Omit “the second day of December, One thousand nine hundred and sixty-three”, substitute “2 December 1963”.   |
| Section 14A (f) . . . . .        | Omit “the twenty-eighth day of November, One thousand nine hundred and sixty-six,”, substitute “28 November 1966”.  |
| Section 14B (3) . . . . .        | (a) Omit “One thousand nine hundred and sixty-four”, substitute “1964”.<br>(b) Omit “One thousand nine hundred and sixty-seven”, substitute “1967”.   |
| Section 14B (4) . . . . .        | (a) Omit “One thousand nine hundred and sixty-four”, substitute “1964”.<br>(b) Omit “One thousand nine hundred and sixty-seven”, substitute “1967”.   |
| Section 14B (5) . . . . .        | (a) Omit “of this Act” (first occurring).<br>(b) Omit “the thirty-first day of December, One thousand nine hundred and sixty-seven” (first occurring), substitute “31 December 1967”.<br>(c) Omit “the thirty-first day of December, One thousand nine hundred and sixty-seven,” (last occurring), substitute “31 December 1967”. |
| Section 14B (6) . . . . .        | Omit “the twenty-sixth day of October, One thousand nine hundred and sixty-nine”, substitute “26 October 1969”.   |
| Section 14C (f) . . . . .        | Omit “the twenty-seventh day of October, One thousand nine hundred and sixty-nine,”, substitute “27 October 1969”.  |
| Section 14D (3) . . . . .        | (a) Omit “One thousand nine hundred and sixty-four”, substitute “1964”.<br>(b) Omit “One thousand nine hundred and seventy”, substitute “1970”.   |
| Section 14D (4) . . . . .        | (a) Omit “One thousand nine hundred and sixty-four”, substitute “1964”.<br>(b) Omit “One thousand nine hundred and seventy”, substitute “1970”.   |
| Section 14D (5) . . . . .        | (a) Omit “of this Act” (first occurring).<br>(b) Omit “the thirty-first day of December, One thousand nine hundred and seventy” (first occurring), substitute “31 December 1970”.<br>(c) Omit “the thirty-first day of December, One thousand nine hundred and seventy,” (last occurring), substitute “31 December 1970”.         |

## SCHEDULE—continued

| Provision                    | Amendment  |
|------------------------------|--|
| Section 15 (1) . . . . .     | Omit “the thirty-first day of December, One thousand nine hundred and sixty-four”, substitute “31 December 1964”.                            |
| Section 16 (1) . . . . .     | Omit “the thirty-first day of December, One thousand nine hundred and sixty-four”, substitute “31 December 1964”.                            |
| Section 16 (2) . . . . .     | Omit “the thirty-first day of December, One thousand nine hundred and sixty-four”, substitute “31 December 1964”.                            |
| Section 16 (3) . . . . .     | (a) Omit “the thirty-first day of December, One thousand nine hundred and sixty-four,” (wherever occurring), substitute “31 December 1964”.  |
|                              | (b) Omit “the thirty-first day of December, One thousand nine hundred and sixty-seven”, (wherever occurring), substitute “31 December 1967”. |
| Section 16 (4) . . . . .     | Omit “the twenty-sixth day of October, One thousand nine hundred and sixty-nine”, substitute “26 October 1969”.                              |
| Section 17 (1) . . . . .     | Omit “the first day of July, One thousand nine hundred and sixty-five,” (wherever occurring), substitute “1 July 1965”.                      |
| Section 20 (2) (b) . . . . . | (a) Omit “the twenty-seventh day of November, One thousand nine hundred and sixty-six” (wherever occurring), substitute “27 November 1966”.  |
|                              | (b) Omit “the twenty-sixth day of October, One thousand nine hundred and sixty-nine” (wherever occurring), substitute “26 October 1969”.     |
|                              | (c) Omit “the fifteenth day of August, One thousand nine hundred and seventy-two”, substitute “15 August 1972”.                              |
| Section 22 (1) . . . . .     | Omit “the thirty-first day of December, One thousand nine hundred and sixty-four”, substitute “31 December 1964”.                            |
| Section 22 (1A) . . . . .    | (a) Omit “the thirty-first day of December, One thousand nine hundred and sixty-four,” substitute “31 December 1964”.                        |
|                              | (b) Omit “the thirtieth day of April, One thousand nine hundred and sixty-seven”, substitute “30 April 1967”.                                |
| Section 22 (1B) . . . . .    | Omit “the thirtieth day of April, One thousand nine hundred and sixty-seven”, substitute “30 April 1967”.                                    |
| Section 22 (2) . . . . .     | Omit “the fifteenth day of August, One thousand nine hundred and seventy-two”, substitute “15 August 1972”.                                  |
| Section 22 (8) . . . . .     | (a) Omit “the first day of May, One thousand nine hundred and sixty-six”, substitute “1 May 1966”.   |
|                              | (b) Omit “of this section” (last occurring).   |
| Section 22 (9) (a) . . . . . | Omit “the first day of January, One thousand nine hundred and sixty-five”, substitute “1 January 1965”.                                      |
| Section 22 (9) (b) . . . . . | (a) Omit “the first day of January, One thousand nine hundred and sixty-five,” substitute “1 January 1965”.                                  |
|                              | (b) Omit “the first day of May, One thousand nine hundred and sixty-six”, substitute “1 May 1966”.   |
| Section 22 (9) (c) . . . . . | (a) Omit “the first day of May, One thousand nine hundred and sixty-six”, substitute “1 May 1966”.   |
|                              | (b) Omit “the fifteenth day of August, One thousand nine hundred and seventy-two”, substitute “15 August 1972”.                              |
| Section 32 . . . . .         | Omit “each thirtieth day of June”, substitute “30 June in each year”.  |

## NOTES

1. Act No. 49, 1975; assented to 4 June 1975.
2. Act No. 51, 1964, as amended by No. 6, 1965; No. 93, 1966; No. 50, 1967; No. 14, 1970; No. 112, 1971; No. 78, 1972; and No. 216, 1973 (as amended by No. 20, 1974).