

HOMES SAVINGS GRANT AMENDMENT ACT 1976

No. 114 of 1976

An Act to amend the *Homes Savings Grant Act 1964-1975*.

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

Short title
and
citation.

1. (1) This Act may be cited as the *Homes Savings Grant Amendment Act 1976*.¹

(2) The *Homes Savings Grant Act 1964-1975*² 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 1964-1976*.

Commence-
ment.

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

Interpret-
ation.

3. Section 4 of the Principal Act is amended—

- (a) by omitting from paragraph (e) of the definition of “approved interest” in sub-section (1) the word “or” (last occurring);
- (b) by inserting in the definition of “approved interest” in sub-section (1) the following paragraph:—

“(ea) an interest of the kind referred to in sub-section (1) of section 4C; or”; and

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

“(6A) Where a person has entered into a contract for the purchase of a structure for removal to land situated in Australia, being a structure intended for use as a dwelling-house on that land, then, for the purposes of this Act—

- (a) that contract and any other contract relating to the removal of that structure to, or its siting on, that land shall be deemed to be a contract for the construction by a building-contractor of a dwelling-house on that land; and
- (b) construction under that last-mentioned contract shall be deemed to have commenced on the date on which the contract for the purchase of the structure was entered into.”.

Approved
credit
unions.

4. Section 4B of the Principal Act is amended by omitting from sub-section (7) the words “the last preceding sub-section” and substituting the word and figure “sub-section (6)”.

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

“4C. (1) Where a person—

(a) has, on or after 1 April 1976 and, in the case of a widower or widow or a divorced person, while the person was a widower or widow or a divorced person—

Dwelling-house
on rural
property.

(i) entered into a contract for the construction by a building-contractor, on land situated in Australia, 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, a dwelling-house; and

(b) satisfies the Secretary that the land forms part of a rural property owned by another person (whether that other person holds the land as a trustee or not) who has given permission to the first-mentioned person to occupy the dwelling-house when completed,

then, for the purposes of this Act, that permission shall be deemed to create an interest in the land in favour of that first-mentioned person and that first-mentioned person shall be deemed to be the owner of that interest.

“(2) A person shall be deemed to comply with paragraph (a) of sub-section (1) if the action required to be taken by that person to comply with that paragraph was taken by—

(a) in the case of a person who is married—the spouse of the person or the person and his or her spouse acting jointly;

(b) in the case of a person who is a widower or widow—the person and a child or children of the person or of a deceased spouse of the person acting jointly; or

(c) in the case of a person who is a divorced person—the person and a child or children of the person or of a former spouse of the person acting jointly.

“(3) In this section, ‘rural property’ means—

(a) land used wholly or substantially for primary production; or

(b) land that the Secretary is satisfied should, having regard to its extent, location, use or zoning, be treated as a rural property for the purposes of this Act.”.

6. Section 16A of the Principal Act is repealed and the following section substituted:—

Acceptable savings to include moneys deposited with credit unions.

“16A. The acceptable savings of a person as at any time include moneys saved in Australia by the person and maintained at that time by the person, or by the person jointly with his or her spouse, on deposit with—

- (a) in the case of a person in relation to whom the prescribed date is a date earlier than 1 April 1976—a credit union that was an approved credit union for the purposes of this Act at that time or on the date that is the prescribed date in relation to the person; or
- (b) in any other case—any credit union.”.

Grants.

7. Section 20 of the Principal Act is amended—

- (a) by omitting from sub-section (1A) the words “(being a time before 1 July 1978)”;
- (b) by omitting from paragraph (a) of sub-section (2) the words “(being a time before 1 July 1978)”;
- (c) by omitting paragraph (aa) of sub-section (2); and
- (d) by adding at the end thereof the following sub-section:—

“(7) Paragraph (e) of sub-section (2) does not apply in relation to an eligible person in relation to whom the prescribed date is a date not earlier than 1 April 1976.”.

Application for grants.

8. Section 21 of the Principal Act is amended by omitting sub-section (1D) and substituting the following sub-section:—

“(1D) Sub-section (1), to the extent that it provides for the time within which an application for a grant under this Act is to be made, and sub-section (1A) do not apply in relation to—

- (a) an eligible person in relation to whom the prescribed date is a date not earlier than 1 April 1976; or
- (b) a person (other than an eligible person) to whom section 20A applies, being a person the prescribed date in relation to whose deceased spouse is a date not earlier than 1 April 1976.”.

NOTES

1. Act No. 114, 1976; assented to 8 November 1976.
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; No. 216, 1973; and No. 49, 1975.